

**MSJ EXHIBIT 8 - DEFENDANTS' RESPONSE**

Page 1

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT COURT OF TEXAS  
HOUSTON DIVISION

LEWIS BRISBOIS BISGAARD &	)	
SMITH, LLP,	)	
	)	
Plaintiff,	)	
	)	
VS.	)	Case No. 4:22-cv-3279
	)	
MICHAEL JOSEPH BITGOOD a/k/a	)	
"Michael Easton," et, al	)	
	)	
Defendants.	)	

ORAL DEPOSITION OF  
WILLIAM SCOTT HELFAND  
MARCH 13, 2024

ORAL DEPOSITION OF WILLIAM SCOTT HELFAND,  
produced at the instance of Defendants, and duly sworn,  
was taken in the above-styled and numbered cause on the  
13th day of March 2024, from 2:45 o'clock p.m. to 4:55  
o'clock p.m., before Monica Victor, a certified  
shorthand reporter, in and for the State of Texas,  
reported by computerized stenotype machine, at 515 Rusk  
St., Courtroom 3A, Houston, Texas, pursuant to the  
Federal Rules of Civil Procedure and the provisions  
stated on the record or attached hereto.

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8	August 17, 2022, Bitgood, email to Meredith Riede w	
10	Attachment Chronology Pleading Cause	
	No. 22-CCV-070378 - Jones, et al v Martinez, et al	
11	(No file stamp)	
12	8A Aug. 17, 2022, Filed Chronology Cause	
	No. 22-CCV-070378 - Jones, et al v Martinez, et al,	
13	pleading as attached to Riede email before filing	
14	15 Sept. 13, 2022, Cause No. 22-CCV-070378 -	
	Jones v Martinez Orders from September 13	
15	2022, Ruling 12 Hearing	
16	16 Sept. 19, 2022, Cause No.22-CCV-070378-Jones,	
	et al,v Martinez, et al Supplemental filed to	
17	4th Amended Petition	
18	17 Sept. 23, 2022, Case No. 4:22-cv-03279;	
	Dkt 1 - LBBS Complaint w Ex 1 - 1 Word Mark	
19	3,722,172 and Dkt.35-2 Certified Cancellation of	
	Word Mark 3,722,172	
20		
21	21 October 6, 2022, Cause No.4:22-cv-03279 Transcript	
	of TRO Hearing	
22	23A October 6, 2022, Cause No.4:22-cv-03279 Dkt 16	
	Bitgood Ltr Pldg to Court - TXLB wound up & closed	
23		
24	28 Oct. 14, 2022, Case No.4:22-cv-03279, Dkt-19-Bitgood	
	Motion to Dismiss Pursuant to the Texas Citizens	
25	Participation Act	

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EXHIBITS USED March 13, 2024, IN  
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(CONTINUED)

33 Dec. 2, 2002 - Case No. 4:22-cv-03279 Excerpt  
Hearing Transcript - Bitgood 15 Exhibits admitted

33A Dec. 2, 2022 - Case No. 4:22-cv-03279 List of  
Bitgood 15 Exhibits admitted

38 Jan 18, 2023, Case No.14-22-000694, LBBS Motion  
to Dismiss Appeal (w. Ex 1-6)

39 April 21, 2023, Case No. 14-22-000694-CV, Helfand  
Ltr 14th COA

43 May 2, 2023, Case No. 14-22-000694-CV - Grant  
Motion to Strike LBBS Motion to Dismiss Appeal

46 Sept. 29, 2023 - Docket of Case No. 4:22-cv-03279,  
Southern District of Texas

48 Sept. 29, 2023, Case No.4:22-cv-03279, LBBS Motion  
for Summary Judgment Exhibit 53 - Dkt 183-53 -  
William Helfand for MJS

50A Dec 5, 2023, Extract of Document 67, LBBS Brief  
Filed at Fifth Circuit in Appeal No. 23-20065,  
with ROA 2550

57 Feb. 2, 2024 LBBS Attorney's Fee Bill in Case  
No. 4:22-cv-03279

60 Mar. 7, 2024, Dkt 282 - Hon. Ellison Order for  
Depositions

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A P P E A R A N C E S

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1                   **THE REPORTER:** We are on the record.

2                   Today's date is the 13th day of March, 2024. The time  
3                   is 2:45 p.m.

4                   This is the oral deposition of William  
5                   Helfand. It is being taken in the matter styled United  
6                   States District Court, Southern District of Texas,  
7                   Houston Division, Lewis Brisbois Bisgaard & Smith versus  
8                   Michael Joseph Bitgood, a/k/a Michael Easton, et al.  
9                   Case No. 4:220-cv-3279. The location of the deposition  
10                  is 515 Rusk Street, Courtroom 3A, Houston, Texas. Would  
11                  Counsel state their appearances and locations.

12                  **MR. FISHER:** Bennett Fisher, B-E-N-N-E-T-T,  
13                  Fisher, F-I-S-H-E-R. We're representing Lewis Brisbois  
14                  Bisgaard & Smith and I'm presenting Bill Helfand.

15                  **MR. BITGOOD:** Michael Joseph Bitgood,  
16                  defendant, pro se.

17                  **MS. NORMAN:** Good afternoon. Susan Norman,  
18                  defendant, pro se.

19                  **MR. DUNWOODY:** Wallace Dunwoody here for  
20                  Brad Beers.

21                                 WILLIAM SCOTT HELFAND,  
22                  having been duly sworn, testified as follows:

23                                         EXAMINATION

24                  BY MR. BITGOOD:

25                         **Q.** Would you state your name for the record, sir?

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1 A. William Scott Helfand.

2 Q. Mr. Helfand, what do you do for a living?

3 A. I'm an attorney.

4 Q. With what firm, if any?

5 A. With Lewis Brisbois Bisgaard & Smith.

6 Q. Mr. Helfand, you brought this lawsuit which is  
7 the one we're taking your deposition in. Is that  
8 correct?

9 A. No.

10 Q. Who brought the lawsuit?

11 A. Lewis Brisbois Bisgaard & Smith.

12 Q. Were you the lead counsel?

13 A. I am the lead counsel.

14 Q. So you signed the first pleading that initiated  
15 this lawsuit?

16 A. I don't recall whether I did.

17 Q. Are you lead counsel?

18 A. I am lead counsel.

19 MR. BITGOOD: You have a copy?

20 Q. (BY MR. BITGOOD) Page 21 of that original  
21 petition filed on September 23rd, 2022 says signed,  
22 William S. Helfand. Is that you?

23 A. May I see the copy?

24 MR. FISHER: Can you please show him a copy  
25 of the document you are reading from?

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1           Q. (BY MR. BITGOOD) Exhibit 17, I'm handing the  
2       witness.

3           A. Okay. Looking at page 21, it does not say  
4       signed, William S. Helfand. It has my name typed on the  
5       signature line which means, in answer to your question,  
6       I did not sign the complaint. However, I authorized  
7       someone to put my name on the complaint where it is.

8           Q. And if anybody was to read that complaint, how  
9       would they know you gave an authorization?

10          A. In this district, and generally in the federal  
11       district courts, the slash S with the person's name is  
12       permission to sign that name.

13          Q. So you're claiming that this lawsuit signed in  
14       the name of William S. Helfand was not signed by you but  
15       you gave your permission to sign your name?

16          A. No.

17          Q. Who signed this petition? Somebody had to sign  
18       electronically or otherwise.

19          A. No one signed that petition. You can see it's  
20       not signed at all.

21          Q. It's an electronic signature. Am I correct?

22          A. No. It's a typed name.

23          Q. Is that how we sign pleadings in the Southern  
24       District?

25          A. That is one way to sign a pleading in the

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1 Southern District.

2 Q. Did you elect to use that format to sign this  
3 pleading?

4 A. I authorized someone to do that with my name.

5 Q. Okay. Thank you, sir. I'm going to direct you  
6 to page 18 and paragraph 65.

7 MR. FISHER: Can you hand him a copy?

8 MR. BITGOOD: I'm going to get there.

9 A. It might be easier if you have a copy. I'll  
10 follow along because what I'm worried about is then I'll  
11 have to try to confirm what you read to me. Thank you.

12 Q. (BY MR. BITGOOD) Thank you.

13 THE REPORTER: Is this an exhibit?

14 THE WITNESS: No. It's a pleading.

15 MR. FISHER: Which paragraph?

16 THE WITNESS: He said 65. Right?

17 MR. BITGOOD: Paragraph 65.

18 MR. FISHER: Okay. Thank you. Tell me  
19 when you're ready to flip the page.

20 THE WITNESS: Ready.

21 Q. (BY MR. BITGOOD) In that paragraph you tell  
22 the Court the need of a temporary restraining order.  
23 Would you read paragraph 65 for me, please?

24 A. "Because Defendants' commercial use of Lewis  
25 Brisbois' name creates the likelihood of confusion,



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1 irreparable harm is presumed. Nonetheless, the harm to  
2 Lewis Brisbois' goodwill is already apparent through an  
3 order dated September 13th, 2022 disqualifying Lewis  
4 Brisbois and David as counsel, the underlying lawsuit.  
5 Lewis Brisbois faces a substantial threat of irreparable  
6 harm if the Court does not issue a temporary restraining  
7 order and preliminary injunction against Defendants."

8 **Q. What underlying lawsuit are you speaking of in**  
9 **your pleading?**

10 A. It's probably defined here earlier.

11 **MR. FISHER:** Mr. Easton, I'm going to  
12 object. This document speaks for itself. It's a  
13 pleading that was filed in this court a year and half  
14 ago.

15 **MR. BITGOOD:** And I'm asking him some  
16 questions about his pleading. Paragraph 65 I've  
17 targeted to ask him those questions. What underlying  
18 lawsuit is he talking about.

19 A. I understand your question. Let me see if --  
20 it should be defined earlier in the document or may be  
21 defined. We'll take a look.

22 **MR. FISHER:** Do you have another copy?

23 **MS. NORMAN:** No.

24 **MR. FISHER:** No?

25 **MS. NORMAN:** Huh-uh.

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1           A. Okay. Here it is where you see it the first  
2 time. Okay. It's first identified in paragraph 17 on  
3 page 5 of 21. It says, "Defendants Michael J. Bitgood,  
4 a/k/a 'Michael Easton' and Richard Jones sued Karina  
5 Martinez, Marianna Sullivan, Imperial Lofts, LLC in  
6 Texas state district court alleging, in part, that  
7 Martinez, Sullivan, and Imperial Lofts had improperly  
8 charged rental fees and filed eviction petitions against  
9 Bitgood and Jones." And that is what is referred to in  
10 paragraph 65 as the underlying lawsuit.

11           **Q. Okay. And in that paragraph, you tell the**  
12 **Court that there was an order entered disqualifying**  
13 **David -- and you meant to say David Oubre, I presume,**  
14 **lead counsel at the time?**

15           A. I believe so.

16           **Q. And Lewis Brisbois. Correct?**

17           A. Lewis Brisbois.

18           **Q. Okay.**

19           A. It's a person's name and his name is Brisbois.

20                   **MR. BITGOOD:** Objection, nonresponsive.

21           **Q. (BY MR. BITGOOD) And you claim that order was**  
22 **entered September 13th, that's per your pleading.**  
23 **Correct?**

24           A. I don't claim anything. It's stated in here  
25 that the order was dated September 13th, 2022.

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1           Q. I'm handing you a copy of the orders that were  
2 entered by the state court that day in that same case  
3 you're talking about. This will be Exhibit No. 15.

4           MR. FISHER: Objection, form.

5           MR. BITGOOD: For handing him a copy?

6           MR. FISHER: I'm objecting to anything that  
7 has to do with a lawsuit that's not in this court and  
8 has nothing to do with the Lanham Act action that we've  
9 brought.

10           MR. BITGOOD: I am with you. Hallelujah,  
11 we agree.

12           A. Can I have Defendants' Exhibit 15?

13           Q. (BY MR. BITGOOD) Show me in that, is there  
14 anything in there that disqualifies David Oubre and the  
15 law firm of Lewis Brisbois?

16           A. Yes, the second paragraph --

17           Q. And what was the disqualification, sir?

18           A. Yes.

19           Q. Okay.

20           MR. FISHER: You've got to answer --

21           A. You've got to let me answer the question.

22           THE COURT: Let Mr. Helfand speak.

23           A. The second paragraph, quote, "The motion to  
24 show authority is granted. David Oubre is removed as  
25 counsel in this case for Imperial Lofts, LLC, Imperial

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1     Lofts Owner, LLC, Madam Marianna Sullivan and Karina  
2     Martinez.

3           Q.   (BY MR. BITGOOD)   So that's what you consider  
4     an order of disqualification?

5           A.   Yes.

6           Q.   Do you know the difference between a Rule 12  
7     motion and an open motion to disqualify counsel?

8           A.   A Rule 12 motion is a challenge to the  
9     authority of counsel to be qualified to represent a  
10    party.

11          Q.   My question to you is, do you know the  
12    difference between a motion to disqualify counsel and a  
13    Rule 12 motion?

14          A.   Yes, I do.

15          Q.   Okay.   So your wording to the Court was there  
16    was an order entered disqualifying.   Correct?

17          A.   That's what this order does.

18          Q.   Okay.   That order took place in state court.  
19    Correct?

20          A.   It did.

21          Q.   Okay.   So if you raised your objection in state  
22    court, state court would have been the proper place to  
23    seek a remedy for that.   Would that be correct?

24          A.   I don't necessarily agree with you.

25          Q.   Okay.

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1           A. The objection to the action of the master is on  
2           its own and, as Mr. Fisher pointed out, it's unrelated  
3           to this lawsuit. The use of the law firm's name is the  
4           basis of this lawsuit. Those are two different things.

5           **Q. But when you requested a temporary restraining**  
6           **order, you were talking about that lawsuit. Correct?**

7           A. No.

8           **Q. What other lawsuit were you talking about?**

9           A. The lawsuit that we're here about.

10          **Q. But in paragraph 65 you say Lewis Brisbois has**  
11          **already been harmed by an order entered by the state**  
12          **court on September 13th, 2022. That's the lawsuit**  
13          **you're referring to. Correct?**

14          A. No. Your predicate is incorrect. That's not  
15          what the pleading says and that's not what Lewis  
16          Brisbois claimed.

17          **Q. Okay.**

18          A. Lewis Brisbois was harmed by your and  
19          Ms. Norman's and Mr. Beers' conspiracy to use the law  
20          firm's name in lots of places, including in this court,  
21          in state court.

22                   **MR. BITGOOD:** Objection, nonresponsive.

23          **Q. (BY MR. BITGOOD) So you're seeking the TRO**  
24          **because of a state court order. What case are you**  
25          **seeking that order in? This Court --**

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1                   **MR. FISHER:** Objection, form.

2           A. Your predicate is incorrect. No one was  
3 seeking --

4           **Q. (BY MR. BITGOOD)** Counsel, if you don't  
5 understand it, I will be glad to ask you again.

6           A. No, no. I'm going to tell you you're wrong.

7           **Q. Do you --**

8           A. You're wrong.

9                   **THE REPORTER:** One at time.

10          A. -- a motion is wrong.

11                   **THE REPORTER:** I'm off the record.

12                   **THE COURT:** Stop. Stop. I think  
13 Mr. Helfand is trying to respond to your question. Let  
14 him finish.

15          A. Your predicate is incorrect. What you just  
16 said isn't in the papers nor was it alleged to the  
17 Court, nor was it argued to the Court. You've made up  
18 something that's not in here. If you ask me about  
19 what's in here, I'll answer that, but no one sought a  
20 temporary restraining order or filed this action because  
21 of an order in state court.

22                   **MR. BITGOOD:** Let me see the pleading  
23 again, please.

24           **Q. (BY MR. BITGOOD)** "Nonetheless, the harm to  
25 Lewis Brisbois's goodwill is already apparent in the

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1 order dated September 13th, disqualifying Lewis Brisbois  
2 and David as counsel in the underlying lawsuit." This  
3 is one of the reasons you pled for a temporary  
4 restraining order, is that correct, from Lewis Brisbois?

5 MR. FISHER: Objection, form.

6 A. No, that's not one of the reasons that the firm  
7 sought a temporary restraining order. That is a fact  
8 that supported the grounds for a temporary restraining  
9 order, one of many.

10 Q. (BY MR. BITGOOD) And the style at the top of  
11 the case is what you're complaining about?

12 MR. FISHER: Objection, form. Which case?

13 MR. BITGOOD: The underlying state court  
14 lawsuit.

15 A. I don't understand.

16 Q. (BY MR. BITGOOD) Defendants' Exhibit 15, would  
17 you read the style of the plaintiffs?

18 A. The style of plaintiff in Exhibit 15 is Richard  
19 P. Jones, Michael Joseph Bitgood, a/k/a Michael Easton,  
20 and Lewis Brisbois Bisgaard & Smith, LLP, a domestic  
21 LLP, plaintiffs.

22 Q. (BY MR. BITGOOD) The defendants now, please?

23 A. Oh, defendants? Karina Martinez, Marianna  
24 Sullivan, Imperial Lofts, LLC, David Oubre, O-U-B-R-E,  
25 Chinasa Ogbureke -- and that's C-H-I-N-A-S-A

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1 O-G-B-U-R-E-K-E -- Lewis Brisbois Bisgaard & Smith, LLP,  
2 a California foreign LLP.

3 Q. So the matter you're referring to in paragraph  
4 65 is the matter you're holding in your hand, the same  
5 case. Correct?

6 A. I don't know when you said "matter." There's a  
7 reference to an underlying lawsuit --

8 Q. Underlying lawsuit in state court.

9 A. That is the underlying law -- well, no. The  
10 underlying lawsuit was not styled as you just had me  
11 read. The underlying lawsuit was not styled that way.

12 Q. The Court signed the order the way it's styled.  
13 Correct? Go to the last page.

14 A. The judge signed the -- yes, the ancillary  
15 judge or whatever they're called, the master in state  
16 court signed the order.

17 Q. We don't have the masters in state court.

18 MR. FISHER: Associate judge.

19 THE REPORTER: I didn't hear you.

20 THE WITNESS: I said I don't know what they  
21 call them, associate judge. Mr. Fisher might know that.

22 A. Associate judge has signed this.

23 Q. (BY MR. BITGOOD) Okay. Would you go to the  
24 next page of your exhibit?

25 A. Yes.



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1           **Q. Would you read the title of it?**

2           A. Order Taking Judicial Notice.

3           **Q. Was that also signed by the Court?**

4                   **MR. FISHER:** Objection, form. What's the  
5 relevance of any of this?

6                   **MR. BITGOOD:** Relevancy objections in a  
7 federal deposition that you beat me down when I tried to  
8 take that?

9                   **MR. FISHER:** I'm trying --

10                  **MR. BITGOOD:** We're narrowed here -- let  
11 him answer.

12                  **MR. FISHER:** You asked me a question. I'll  
13 answer your question. We're here for our motion for  
14 summary judgment. You started out by going back to the  
15 original petition. Now you're going back to a lawsuit  
16 in county court and orders in county court, none of  
17 which have anything to do with the Lanham Act violation  
18 that we've alleged in our petition and is the subject  
19 for motion for summary judgment. So I'd like to how  
20 afield we're going to get.

21                  **MR. BITGOOD:** Not very far, Mr. Fisher, if  
22 he'll answer my question.

23           A. What's your question?

24                   **THE COURT:** Ask your question again,  
25 please.

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1           **Q. (BY MR. BITGOOD) Did the Court sign the order**  
2 **taking judicial notice, yes or no?**

3           A. There's a signature on the second page of that  
4 order, yes.

5           **Q. Would you hand me the document back?**

6           A. I should tell you, I found some more places in  
7 here where the judge disqualified both Lewis Brisbois  
8 and David Oubre if you want that.

9           **Q. Go ahead.**

10          A. Okay. It's on what is page 4 of 5, paragraph  
11 2, quote, "The Court removed Lewis Brisbois Bisgaard &  
12 Smith --

13                   **THE COURT:** You're going too fast. Slow  
14 down.

15                   THE WITNESS: I'm so sorry.

16          A. "The Court removed Lewis Brisbois Bisgaard &  
17 Smith and David Oubre from the case." And then  
18 paragraph 3, "The Court removed Lewis Brisbois  
19 Bisgaard & Smith, LLP and David Oubre."

20           **Q. (BY MR. BITGOOD) On that page of that exhibit**  
21 **you just read, there's an entry that says, Lewis**  
22 **Brisbois Bisgaard & Smith California lacked authority to**  
23 **appear in a Texas court on March 11th, 2002, and by**  
24 **judicial admission admitted that they did not submit an**  
25 **application to do business in Texas until at least March**

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1 28th.

2 MR. BITGOOD: What are you going to tell  
3 me?

4 MS. NORMAN: '22, 2022.

5 Q. (BY MR. BITGOOD) 2022. Okay. Paragraph 4  
6 says, "The only testimonial evidence put on at this  
7 hearing was the sworn testimony of plaintiff Michael  
8 Joseph Bitgood as the president of Lewis Brisbois  
9 Bisgaard & Smith, LLP, a domestic Texas LLP. Despite  
10 the extensive testimony and narrative of Mr. Easton,  
11 Mr. Oubre did not cross examine the plaintiff on any  
12 matters that Easton testified to. Thus, the Court  
13 credits Mr. Easton's testimony as credible and  
14 conclusive." Did you see that?

15 A. I did not see that.

16 Q. Take a look at it, please.

17 MR. FISHER: Objection. Your Honor, I  
18 would object to this line of questioning as having  
19 nothing to do with the motion for summary judgment or  
20 the lawsuit that's in this court as a violation of the  
21 Lanham Act.

22 Mr. Easton just testified as to what he  
23 says happened in a county court proceeding, not in this  
24 proceeding, and he's asking Mr. Helfand to just confirm  
25 that that's what was said. I don't understand why --

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1 what the relevance has here. The Court's laid out  
2 parameters for this deposition, and I ask that the Court  
3 sustain my objection to this line of questioning and  
4 anything that has to do with the lawsuit in county  
5 court.

6 **THE COURT:** Okay. Do you have an objection  
7 too?

8 **MS. NORMAN:** May I respond, Your Honor? If  
9 this is about the motion for summary judgment, there are  
10 62 exhibits to that motion for summary judgment. And I  
11 don't have my list in front of me, but fully at least 26  
12 of the exhibits are the state court pleadings and  
13 documents filed which are purported to support Document  
14 183 which is the motion for summary judgment. I believe  
15 we are not going far afield.

16 **THE COURT:** I'm going to allow it. I'm  
17 going to allow it.

18 **MS. NORMAN:** Thank you, sir.

19 A. Yes, you apparently read that correctly.

20 **Q. (BY MR. BITGOOD)** Next one says, After  
21 Mr. Oubre rested his case -- after Mr. Oubre rested his  
22 case, the Court took judicial notice of the contents of  
23 the Court's file. At no time in his case in chief did  
24 Mr. Oubre ask the Court to take judicial notice of  
25 anything. At no time during his case in chief did

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1 Mr. Oubre mark or offer a single solitary exhibit. At  
2 no time during his case in chief did Mr. Oubre offer any  
3 witnesses or evidence. At the close of the case in  
4 chief, the Court offered Mr. Oubre a chance to reopen.  
5 Mr. Oubre declined the Court's invitation and told the  
6 Court he would not. Lewis Brisbois Bisgaard & Smith and  
7 David Oubre" --

8 MR. BITGOOD: Am I going to fast, ma'am?

9 THE REPORTER: You're chewing your gum.

10 MR. BITGOOD: I'm going to get rid of that.

11 THE REPORTER: Can you take the gum out,  
12 please? I can't understand you when you're chewing your  
13 gum.

14 Q. (BY MR. BITGOOD) It says, "Lewis Brisbois  
15 Bisgaard & Smith California and David Oubre failed to  
16 discharge their obligations under Rule 12," which you  
17 just testified as a disqualification motion. Correct?

18 A. No, I didn't testify to that and that's not a  
19 correct statement.

20 Q. Okay. "The Court removed Lewis Brisbois  
21 Bisgaard & Smith California and David Oubre from this  
22 case as mandated by law and struck the pleadings as  
23 mandated by law." You saw that?

24 A. No, I've never seen it.

25 Q. Okay. Take a look at it now.

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1           A. Well, you just read me about six paragraphs.  
2           What would you like me to do with that?

3           **Q. Just take a look at it. You said you've never**  
4           **seen it before.**

5           A. Okay. I'm looking at it. Do you have a  
6           question for me?

7           **Q. Yes. If you could flip to the next page.**

8           A. I'm on page 4.

9           **Q. Did the Court sign this document?**

10          A. There is a signature here. I assume it's the  
11          ancillary judge.

12          **Q. Now, Mr. Helfand, when you applied for the TRO,**  
13          **you recall that we had a hearing before Judge Ellison on**  
14          **October 6th of 2022, don't you?**

15          A. I don't recall the date, but I do recall a  
16          hearing.

17          **Q. Do you recall telling this Court, in seeking**  
18          **that TRO, that your client had Patent No. 3,722,172**  
19          **issued to your law firm -- or your client's firm if you**  
20          **want to call it that -- under the name Lewis Brisbois**  
21          **Bisgaard & Smith? You remember telling the judge that?**

22          A. No, I don't remember telling the judge that.

23          **Q. Not a problem. And, sir, isn't it true that**  
24          **the time you brought the lawsuit and appeared before**  
25          **this Court and told this judge that Patent No. 3,722,172**

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1 belonged to your client, it did not?

2 A. Again --

3 MR. FISHER: Objection.

4 A. I don't know that I ever said that. So I don't  
5 know.

6 Q. (BY MR. BITGOOD) Well, let me ask you this  
7 question: Did Patent No. 3,722,172 belong to your  
8 client on the date of October 6th, 2022?

9 A. I don't have any means of answering that  
10 question with what I have before me right now.

11 Q. Well, here's your transcript --

12 A. I don't have any memory of it.

13 Q. Here's the transcript of what you said. Take a  
14 look.

15 A. Thanks. Where am I looking at?

16 Q. Right there where you're --

17 A. Well, let's --

18 Q. Don't lose the page, please.

19 A. I'm not going to lose the page. You've handed  
20 me the transcript of the hearing dated October 6th, 2022  
21 and you've directed me to -- oh, it's numbered at the  
22 top there. Sorry. You've directed me to page 9. What  
23 would you like me to read?

24 Q. What you told the Court regarding the patent, 3  
25 million -- I don't know if it's a patent. It's

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1     **called --**

2           A.   Well, what was the number you were asking me  
3     about?   What did it end in?

4           **Q.   The patent number?**

5           A.   Yes.

6           **Q.   3,722,172.**

7           A.   Okay.

8           **Q.   What did you tell the Court?**

9           A.   I told the Court, "Mr. Easton also either  
10    falsely or inaccurately represents to the Court that  
11    Lewis Brisbois does not have a trademark, but Your Honor  
12    has these filed with the complaint.   The firm has  
13    trademark No. 3722172, filed on December 8th, 2009" --  
14    not 2022, 2009 -- "to use the name and the insignia  
15    Lewis Brisbois Bisgaard & Smith, LLP, quote, for legal  
16    services, closed quote.

17          **Q.   Now, I'll repeat my question.   On October 6th**  
18   **of 2022, when you told this Court to issue a TRO, did**  
19   **your client have ownership of Patent No. 3,722,172 as**  
20   **you represented to the Court?**

21                   **MR. FISHER:**   Objection.

22          A.   You're mischaracterizing what I said then and  
23    what I just read now.

24          **Q.   (BY MR. BITGOOD)   Okay.   Well, let me ask**  
25   **you --**



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1           A. I didn't say it the way you said it. I said  
2 you have this filed with the complaint is what I said.  
3 It was filed with the complaint.

4           **Q. Okay. But here's the question. Did your**  
5 **client own Patent No. 3,722,172 on October 6th of 2022?**

6           A. As we sit here today based upon what I have in  
7 front of me, there is no way for me to answer that  
8 question.

9           **Q. So you don't know?**

10          A. I do not know of my own personal knowledge, no,  
11 not as we sit here today. I have documents in the  
12 office I can check.

13          **Q. How about you look at the patent you attached**  
14 **to it? You attached it to the -- here it is. Right**  
15 **behind it is a certified copy from the United States**  
16 **Patent and Trade Office showing you did not own it. So**  
17 **if you want to skip to that page as well.**

18          A. Okay. Well, I'm now looking at Document 1-1,  
19 Exhibit 1, which showed the service mark registered with  
20 the U.S. Patent and Trade Office. Now you want me to  
21 look at a different page?

22          **Q. No. You see the number there, 3 million --**  
23 **whatever that --**

24          A. 3,722,172 filed on December 8th, 2009.

25          **Q. Which brings us back to the same question that**

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1     you told the judge that you owned the patent?

2             A. I did not say owned the patent. That's not in  
3     here.

4             Q. Have the patent?

5             A. No. I didn't say have the patent.

6             Q. Okay. Why don't we fast forward and tell  
7     the --

8             A. First of all --

9             Q. Why don't you tell us --

10            THE REPORTER: One at a time.

11            THE WITNESS: My mistake.

12            Q. (BY MR. BITGOOD) Why don't you tell us, on  
13     October the 6th, 2022, did your client own the patent?

14            A. I'm going to say it for the third time. Based  
15     on what I have here, I can't tell you -- well, it looks  
16     like it based on what you've handed me, Exhibit 1, yes.  
17     This is a registered -- December 8th, 2009.

18            Q. And it's --

19            A. I'm sorry. Wait a minute. I'm sorry. U.S.  
20     patent, no. My client did not have a patent.

21            Q. Okay. Or a trademark?

22            A. Well, yes, this is a trademark registration.  
23     See? It's a service mark.

24            Q. Okay. And it was dated December 8th, 2009?

25            A. Yes, sir.

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1           **Q. And it expired ten years?**

2           A. It doesn't say on here when it expired.  
3       There's no expiration date listed on here.

4           **Q. Go to the next page, sir.**

5           A. Now I'm looking at Document 35-2.

6           **Q. And what is that document, sir?**

7           A. This says, "United States of America. To all  
8       to whom these presents shall come, United States  
9       Department of Commerce, United States Patent and  
10      Trademark Office. October 4th, 2022. The attached U.S.  
11      trademark registration 3.722.172 is certified to be a  
12      true and correct copy of the registration issued by the  
13      United States Patent and Trademark Office and  
14      subsequently cancelled. Registered" --

15                   **THE COURT:** Not too fast, now.

16           A. "Registered for a term of ten years from  
17      December 8th, 2009. Section 8 and 15, classes  
18      cancelled: INT class 045. Said records show title to  
19      be in: Registrant. By authority of the Under Secretary  
20      of Commerce for Intellectual Property and Director of  
21      the United States Patent and Trademark Office." And  
22      there's a signature over the name Miguel Tarver,  
23      certifying officer.

24           **Q. (BY MR. BITGOOD) Now, based on those two**  
25      **documents, you still can't tell this Court whether your**

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1 client owned that trademark on October 6th of 2022?

2 A. I know for sure my firm owned that trademark on  
3 October 6th, 2022.

4 Q. Despite what that patent office says?

5 A. Yes, because registration with the U.S. Patent  
6 and Trademark Office is not required to claim a  
7 trademark.

8 Q. I didn't ask you that. I asked you what you  
9 told the Court and I asked you what that document shows.

10 A. I told the Court my client had a trademarked  
11 name evidenced by, among other things, that trademark  
12 registration.

13 Q. Which expired in 2019. Correct?

14 A. The trademark registration did not expire. It  
15 indicates that it was cancelled.

16 Q. Even better. Go ahead.

17 A. But that doesn't change the trademark right.

18 Q. Mr. Helfand, I'm not asking you for a legal  
19 lesson. I'm just asking what the document says.

20 A. I've read you the document, Mr. Easton.

21 Q. Thank you.

22 THE REPORTER: Is this an exhibit?

23 MR. BITGOOD: It's going to be right now.  
24 That would be Exhibit No. 17.

25 THE REPORTER: Ms. Norman, are you keeping

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1 a record?

2 MS. NORMAN: I am.

3 THE REPORTER: Thank you.

4 Q. (BY MR. BITGOOD) Now, on this complaint where  
5 you said we took the name and your client owned the  
6 patent and everything else, besides the words Lewis  
7 Brisbois Bisgaard & Smith, LLP --

8 MR. FISHER: Would you like me to speak?

9 MR. BITGOOD: Yeah.

10 MR. FISHER: Okay. It's Lewis Brisbois  
11 Bisgaard & Smith. You keep trying to mock the name of  
12 the firm and it's getting offensive. It's been going on  
13 now for at least a year and a half. Please stop.

14 MR. BITGOOD: Are you done?

15 MR. FISHER: Yeah.

16 MR. BITGOOD: Would you like me to shorten  
17 it, LBBS maybe? That make you happier?

18 MR. FISHER: Just please don't mock the  
19 name --

20 MR. BITGOOD: We're not mocking any --

21 MR. FISHER: -- of my law firm.

22 MR. BITGOOD: That's the way I speak.  
23 That's the way I read. It may not be your perfect  
24 English.

25 THE COURT: Let's move on. The point's

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1     been made. Let's move on.

2                   **MR. BITGOOD:** Thank you, sir.

3           **Q. (BY MR. BITGOOD)** Now, besides those words --  
4     Lewis -- and since it's my firm at the time -- Lewis  
5     Brisbois Bisgaard & Smith, a Texas domestic, is there  
6     anything in that letterhead or anywhere that we took any  
7     of your trademarks, your logos or your patent, just  
8     beyond the four names?

9           A. Yes.

10          **Q. Where?**

11          A. In the use of the name.

12          **Q. I said beyond the use of the name. Anything**  
13     **else besides those names?**

14          A. I don't know. I'd have go back and do some  
15     research. I mean, I can't point to something as we're  
16     sitting here, but there very well may be. It would be  
17     in the motion for summary judgment.

18          **Q. Thank you. Is it --**

19          A. I think there is actually --

20                   **THE REPORTER:** I can't hear you.

21          A. Like, where's the picture that you sent with  
22     the --

23          **Q. (BY MR. BITGOOD)** Anything you want to add from  
24     **that picture?**

25          A. No. It's repeated again in the picture.

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1 Q. Okay.

2 A. The record on appeal 2547 to 2549.

3 Q. And this is one where you told the Fifth  
4 Circuit that I offered legal services to the City of  
5 Sugar Land?

6 A. One, I didn't tell the Fifth Circuit anything.  
7 Second, nobody told the Fifth Circuit that you offered  
8 legal services to the City of Sugar Land.

9 Q. Let me see that exhibit again, sir. The one we  
10 used earlier with Mr. Giles.

11 MR. FISHER: I'm sorry. I need a number.  
12 You've got a bunch of them.

13 THE WITNESS: Exhibit 58?

14 MR. BITGOOD: I think it's 22.

15 THE WITNESS: 22?

16 MR. BITGOOD: What did we call it?

17 THE WITNESS: 22.

18 Q. (BY MR. BITGOOD) No, the other one you handed  
19 me. Nice try though.

20 A. I handed you the one you asked for. Would you  
21 like a different one?

22 Q. No. That one will be fine, Bill. Thank you.  
23 I'm looking at the first page of Appellee's Brief in  
24 Appeal No. 23-20065, filed on December 1st, 2023. The  
25 top of the brief says William S. Helfand and Sean M.

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1 Higgins. You're William Helfand. Correct?

2 A. I am that William Helfand, yeah.

3 Q. Okay. And on page 5 you make the following  
4 statement to the Fifth Circuit: "Defendants' misuse of  
5 LBBS's mark has created confusion. For example, Bitgood  
6 sent an e-mail to the city attorney for Sugar Land,  
7 Texas offering mediation services through his infringing  
8 entity. Record on appeal 2550. The city attorney  
9 forwarded the e-mail to an LBBS partner. Record on  
10 appeal 2550. Mr. Helfand spoke with the city attorney  
11 and explained how defendants, quote, 'were improperly  
12 using the name of the law firm Lewis Brisbois  
13 Bisgaard & Smith.' The city attorney 'understood that  
14 there was some effort on Bitgood's part, Ms. Norman's  
15 part with Mr. Beers' assistance to create confusion  
16 regarding who was the firm of Lewis Brisbois  
17 Bisgaard & Smith.' Record on appeal 2346. Record on  
18 appeal 19. Record on appeal 145923." Now, where was  
19 it, based on your brief, that I offered legal services  
20 to the City of Sugar Land, Texas?

21 A. I have never said you offered legal services to  
22 the City of Sugar Land, Texas. Second time I've said it  
23 now, Mr. Easton. I've never said that and you won't  
24 show me anywhere that I did.

25 Q. Okay. "For example, Bitgood sent an e-mail to



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1 the city attorney of Sugar Land, Texas offering  
2 mediation services." Where did I do that?

3 A. Right here. It's in Exhibit -- the second page  
4 of Exhibit 8.

5 Q. Could you show -- or tell the Court where  
6 exactly I offered mediation services to --

7 A. It's in the heading, sir.

8 Q. Oh, so you're saying the letterhead is an  
9 offer?

10 A. Yes. The letterhead specifically identifies  
11 that you are using the name of Lewis Brisbois  
12 Bisgaard & Smith to provide arbitration and -- excuse  
13 me -- mediation and arbitration.

14 Q. Where in this document -- it's a chronology of  
15 the document filed in state court -- does it say I'm  
16 offering mediation services to your client?

17 MR. FISHER: Asked and answered.

18 A. First of all, I don't agree with your -- I  
19 don't agree with your sidebar characterization of what  
20 the document is. Second of all, I'll say the same thing  
21 again. In the very beginning of the document it offers  
22 mediation and arbitration services in the name of my law  
23 firm.

24 Q. (BY MR. BITGOOD) Where does it say I'm  
25 offering it directly to the City of Sugar Land as it's

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1     **stated in the brief?**

2           A.   Where does it say in my brief "directly"?

3           **Q.   "For example, Bitgood sent an e-mail to the**  
4     **city attorney for Sugar Land, Texas offering mediation**  
5     **services."   Where am I making an offer to your client?**

6           A.   Third time now, Mr. Bitgood --

7                   **MR. FISHER:**   Objection.

8           A.   -- right here, at the very top here.   You asked  
9     me about directly, but that's not in the pleading.  
10    There is no directly, that's something you added.   It's  
11    right here, third time.

12          **Q.   (BY MR. BITGOOD)   So your position is by using**  
13     **the letterhead that was an offer to offer mediation**  
14     **services to a third party?**

15          A.   Yes.

16          **Q.   So when Jana Lupert writes me a letter**  
17     **threatening me, is she offering me legal services too?**

18          A.   I don't know if Jana Lupert has written you a  
19     letter.   I don't know the contents of the letter, and I  
20     don't know Ms. Lupert's intent.   So I can't answer that  
21     question.

22          **Q.   So when you write a letter on a letterhead, as**  
23     **I wrote to the judge on this very letterhead, am I**  
24     **offering the judge mediation services?**

25          A.   You may very well be and he may very well

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1 interpret it as such.

2 MR. BITGOOD: What was the state court  
3 pleading?

4 MS. NORMAN: Huh?

5 MR. BITGOOD: I mean the federal petition.

6 Q. (BY MR. BITGOOD) Mr. Helfand, on the exhibit  
7 you previously identified as the original petition in  
8 this case, Defendants' Exhibit 17, you state in  
9 paragraph 28 -- or your client on your behalf states,  
10 "In an effort to avoid the necessity of the suit, Lewis  
11 Brisbois requested" -- did I say it correctly? Lewis  
12 Brisbois?

13 MR. FISHER: Thank you.

14 Q. (BY MR. BITGOOD) "Desist in their fraudulent  
15 and infringing conduct. Defendants refused to do so and  
16 on September 23rd, Bitgood sent an e-mail with the  
17 subject line not affiliated with Lewis & Bobo, a  
18 California foreign LLP to Lewis Brisbois." Withdraw the  
19 question.

20 Mr. Helfand, besides the state court  
21 filings that you've identified to this Court, besides  
22 the filings in state court, do you have any evidence  
23 that there's been any commercial use where we have done  
24 business as Lewis Brisbois?

25 A. Yes.

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1           **Q. Would you please state what that evidence is?**

2           A. It's those things attached to the motion for  
3 summary judgment.

4           **Q. I'm asking you now.**

5           A. I don't have a specific -- well, I have some  
6 recollection but it's not an exhaustive list.

7           **Q. Well, just give us one.**

8           A. Well, you've repeatedly reported to Law360 that  
9 you're the owner and rightful user of my firm's  
10 trademark.

11          **Q. And you're claiming that's commercial use?**

12          A. That is a commercial use, yes.

13          **Q. And you wrote the article for Law360?**

14          A. What would make you think that?

15          **Q. I'm asking you since you're testifying to what  
16 somebody else told you.**

17          A. No. I'm testifying to what you were quoted as  
18 saying in the article, Mr. Easton.

19          **Q. And you know I was quoted how?**

20          A. I read the quote in the article.

21          **Q. And you know that's accurate how?**

22          A. Because you've not asked for a retraction or  
23 otherwise told the Court that there was anything  
24 inaccurate about it the last time I pointed it out to  
25 the Court that you continue to usurp and defame my

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1 client's trademark.

2 Q. And that's the day of the temporary injunction  
3 which brings us to December 15th. Correct?

4 A. I don't know what question you're asking.

5 Q. I said when you say you pointed out to the  
6 Court that I was usurping your client's name one of the  
7 issues you raised was that I talked to Law360?

8 A. No, that is not an issue I raised.

9 Q. Okay. So you don't recall the -- when I asked  
10 the Court, you're not going to issue an injunction to  
11 prevent me from talking to the media and this Court said  
12 no, I'm not?

13 A. Right. No one asked the Court to do that.

14 Q. You claim that I violated the TRO, did you not?

15 A. You did violate the TRO.

16 Q. Where did I violate the TRO?

17 A. By repeatedly broadcasting that you had a legal  
18 right to use a trademarked name despite the fact that  
19 you were already aware and you admitted that you would  
20 not -- you agreed that you would not continue to use  
21 that name.

22 Q. And on that day we pointed out to you, okay,  
23 that we had told you that we had already stopped October  
24 6th was prior to that date. Correct?

25 A. No.

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1 Q. On October 6th we filed with this Court a  
2 dissolution. Do you remember receiving that?

3 MR. FISHER: Objection.

4 A. You've asked two questions. The answer to the  
5 first question is, no, you didn't do it on October 6th  
6 and, yes, I did eventually receive a copy of that.

7 Q. (BY MR. BITGOOD) And it's filed stamped in  
8 this court case as October 6th, 2022, at Docket 13.  
9 Correct?

10 A. No. It's stamped on October 11th. It's in the  
11 record on October 11th.

12 MR. BITGOOD: Where's the docket sheet?

13 MS. NORMAN: Where is it?

14 MR. BITGOOD: It's one of our exhibits.

15 THE REPORTER: Do you have that one,  
16 Ms. Norman?

17 MS. NORMAN: Uh-huh.

18 MR. BITGOOD: I think you stapled the pages  
19 backwards. Yeah.

20 Q. (BY MR. BITGOOD) The docket shows 10/6/2022,  
21 Docket No. 16. It says, "Letter and notice of agreement  
22 winding up and terminating limited partnership." It was  
23 a letter to His Honor with the paperwork -- I'm going to  
24 hand you what's been marked as Exhibit 23A. Would you  
25 read the date across the top of 23A?

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1 A. Oh, the file stamp?

2 Q. What it says across the top. When did the  
3 clerk file it?

4 A. 10/6/2022.

5 Q. Okay. That's my letter to the Court telling  
6 the Court we quit. We dissolved. We're done. Correct?

7 A. I don't agree that that's -- those words are  
8 aren't in here.

9 Q. Okay. Let me have the letter, please.

10 A. I don't see we quit. I don't see --

11 Q. Here's what the letter says, Mr. Helfand. Dear  
12 Judge Ellison, I enclosed the paperwork filed on even  
13 date with the Texas Secretary of State which resolves  
14 the grievances as set forth by plaintiff pro se. We do  
15 this because it is obvious from the Court's gentle  
16 reasoning and thoughts as expressed by His Honor on the  
17 record that this is the right thing to do. If plaintiff  
18 pro se wants to continue this fight, then we cannot  
19 control that. However, not one of your words spoken  
20 today was lost on me, and as such, we yield to you out  
21 of respect, not of fear of the plaintiff. Thank you  
22 again for the way you handled the matter. It's dated  
23 October 6th, 2022, and the dissolution papers are also  
24 dated October 6th, 2022.

25 A. Do you have a question for me, sir?

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1           Q. Yeah. I'm looking -- hang on. I just want to  
2           make sure when you said it was dated October 11th.

3           A. Sure. Can I see the docket sheet that you're  
4           looking at there? I'll explain it.

5           Q. I don't need you to explain it. I asked you  
6           what it reads across the top. What does it --

7           A. Well, I've already read -- I told you what it  
8           reads across the top, but if the docket sheet shows it  
9           was filed on October 11th. We had this conversation at  
10          the temporary junction hearing, Mr. Easton.

11                   **MR. BITGOOD:** Objection, nonresponsive.

12          A. Can I see the docket sheet?

13          Q. (BY MR. BITGOOD) No.

14          A. Okay.

15          Q. So consider --

16                   **THE COURT:** Let's make available the  
17          document.

18          Q. (BY MR. BITGOOD) Yes, sir.

19          A. Thank you. May I see it, please?

20          Q. Yes.

21          A. The entry on the docket sheet says, quote,  
22          "Letter and notice of agreement winding up and  
23          terminating limited partnership by Michael Joseph  
24          Bitgood, filed. Entered 10/11/2022. That's when I  
25          would have received it, Mr. Bitgood.



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1           Q.   Okay.   So you did receive it the night we  
2   clicked and sent it to you.   Correct?

3           A.   I don't have any -- you don't have any proof  
4   you clicked and sent it to me.   I did not receive  
5   anything of that sort until October 11th, 2022, as the  
6   clerk notes in the ECF and as we discussed at the  
7   temporary injunction hearing when you asked me about  
8   this beginning of page 67.

9           Q.   What did you say then?

10          A.   I told you the same thing.   Docket entry 16 has  
11   a date on it of October 6th, 2022, but it says, "Letter  
12   and notice of agreement winding up and terminating  
13   limited partnership by Michael Joseph Bitgood.   Entered  
14   October 11th, 2022."

15          Q.   But the top of the page shows received by the  
16   clerk on 10/6.   Correct?

17          A.   No, it does not say received by the clerk on  
18   the top of the page.

19          Q.   Well, do you know any other way for that to get  
20   on the top of the page?   It says case number, document  
21   number, filed on, the word "filed on" is across.

22          A.   Let me see the document again.

23          Q.   Right here.   We'll call it again Exhibit 23A.  
24   Cause No. 4:22-CV-03279, Document 16, filed on  
25   10/6/2022.

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1           A.   Okay.   If you're going to show me the document,  
2   you don't have to read to me.   I'm capable of reading  
3   it.

4                   **MR. BITGOOD:**   Objection, nonresponsive.

5           A.   So your question was how did that get on there?

6           **Q.   (BY MR. BITGOOD)   I'm not asking how it gets on**  
7   **it.   Is that what it demonstrates as filed on?   That's**  
8   **what the clerk put there.**

9           A.   The clerk puts that date on it.

10          **Q.   Okay.   Thank you.**

11          A.   And I know why.   Would you like to know why?

12          **Q.   Mr. Helfand, no.**

13          A.   Okay.   That's okay.

14          **Q.   I want to talk a little about your billing.**  
15   **Okay?**

16          A.   Whatever questions you have.

17          **Q.   And to be clear, you didn't bring this**  
18   **so-called Lanham Act case in retaliation for what was**  
19   **going on in state court.   Is that correct?**

20          A.   Of course not.

21          **Q.   Of course not.   And of course you made your**  
22   **objections in state court to what was going on in state**  
23   **court.   Correct?**

24          A.   I've never appeared --

25                   **THE WITNESS:**   Objection.   Who's you?

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1 A. I've never appeared in the state --

2 MR. BITGOOD: Your client, Lewis Brisbois.  
3 Please make that clear.

4 A. I have no --

5 THE REPORTER: One at a time.

6 Q. (BY MR. BITGOOD) You're going to be your own  
7 lawyer now?

8 A. No.

9 THE COURT: Let's stop this back and forth.  
10 Mr. Helfand, do you have an answer or did you answer  
11 already?

12 A. I have no personal knowledge of anything that  
13 happened in the state court proceeding.

14 THE COURT: Okay. Let's move on. Let's  
15 move on.

16 Q. (BY MR. BITGOOD) But you didn't bring this  
17 action as a retaliation for what was going on in state  
18 court, you said no.

19 A. He would probably say asked and answered. I'll  
20 tell you again, no.

21 Q. You began researching to sue us on September  
22 7th of 2022. According to your billing, that would be  
23 LBBS page 1.

24 A. I did not.

25 Q. Well, who did?

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1 A. A gentleman named Sean Braun.

2 Q. Okay. So that's what Mr. Braun did?

3 A. I don't know what you mean.

4 Q. Is that work that Mr. Braun, Sean Braun --

5 A. What is that work?

6 Q. Well, you're billing \$350 for legal research  
7 but you won't tell us what the research is. It's  
8 blacked out.

9 A. Right, because that's work product.

10 Q. But you're seeking affirmative relief.  
11 Correct?

12 A. I don't know what you mean.

13 Q. Well, you come to court, you're seeking  
14 affirmative relief. You want a permanent injunction.  
15 You want attorney's fees and you want damages.

16 A. Right.

17 Q. Correct?

18 A. Right.

19 Q. Okay. But you're invoking that as work product  
20 but you want to be paid for it at the same time.  
21 Correct?

22 A. Right.

23 Q. Do you know what he was researching?

24 A. I don't have a recollection of what he was  
25 researching at that time. It would be something related

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1 to bringing this lawsuit.

2 Q. On 9/8, additional research is done. You see  
3 it? SOB, that's what it means, Sean O. Braun?

4 A. That's right.

5 Q. 9/15, continue preparing complaint against  
6 Bitgood, legal research, outline and then more blanks.

7 A. Yes, sir. I read all that.

8 Q. On 9/20, prepare special appearance and appeal  
9 of associate judge's decision dated December 13th, 2022.  
10 Let's talk about that for a moment. You're billing me  
11 for something that took place in a case that you claim  
12 is totally irrelevant to what's going on here. Is that  
13 correct?

14 A. There's about three things wrong in that  
15 suggestion. One, it's not totally irrelevant because  
16 it's one more place where you misused a trademark that  
17 belonged to someone else with the intent to cause  
18 confusion. Two, no one is billing you. And, three, if  
19 what you're asking is whether this is an appropriate  
20 billing entry for the Lanham Act case, the answer is no.

21 Q. Okay.

22 A. And in the final bill, this would not be on the  
23 bill.

24 Q. Thank you, sir. 9/21, further review filings  
25 in underlying lawsuit, revised outline of federal

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1 complaint, and prepare federal complaint against Michael  
2 Bitgood. That's dated 9/21. What is the underlying  
3 lawsuit you're talking about there?

4 A. I'm not talking about anything because it's not  
5 my entry.

6 Q. Okay. So you're not prepared to testify about  
7 that entry, nor was it reasonable to do or is it  
8 necessary to do because you don't know?

9 A. No, that's not the same thing.

10 Q. I know that. So I'll ask it a different way.

11 A. Okay.

12 Q. It's not your entry, so you can't tell us what  
13 happened?

14 THE COURT: Let him answer the question.

15 A. I can answer --

16 MR. BITGOOD: I withdrew the question, Your  
17 Honor. So I withdrew it --

18 THE COURT: Yeah. I heard you ask another  
19 question.

20 MR. BITGOOD: Okay, sir.

21 A. I can tell you what was going on. I can't tell  
22 you the specific answers to specific questions like what  
23 is the underlying lawsuit. Actually, I think I know  
24 what the underlying lawsuit is, but your question to me  
25 was you were doing work related to the underlying

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1 lawsuit and I said no, I wasn't.

2 Q. (BY MR. BITGOOD) Okay. Further review filings  
3 in underlying lawsuit. Could you explain to us what  
4 that --

5 MR. FISHER: Can you put that on --

6 A. I expect that that was Mr. Braun's work similar  
7 to his entry from the prior day.

8 Q. (BY MR. BITGOOD) Well, let's not do similar to  
9 the prior day. Let's stick with that.

10 A. Let me answer the question.

11 THE COURT: Let him complete his answer.

12 Q. (BY MR. BITGOOD) Okay, sir.

13 A. I believe that's Mr. Braun's work --

14 Q. Thank you, sir.

15 A. -- similar to the work that he was doing on  
16 September 20th related to the associate judge's  
17 decision.

18 Q. Okay.

19 A. That first phrase. Now, the rest of it  
20 obviously is related to this lawsuit. On the final  
21 bill, I would take that all off because I can't parse  
22 that.

23 Q. Additional research, 9/22, continue preparing  
24 federal complaint against Bitgood and his counsel. You  
25 see that one there?

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1 A. Yes, sir.

2 Q. 9/23, prepare and file draft of federal  
3 complaint against Bitgood and other defendants. Now,  
4 the day you filed suit, the day LBBS -- so there's no  
5 more confusion -- your client LBBS filed suit was  
6 September the 23rd. Correct?

7 A. I don't know, but it appears to be the case.

8 Q. Okay. September 27th, additional research and  
9 document review for federal lawsuit against Bitgood.

10 A. Right.

11 Q. 9/28, additional research, but we don't know  
12 what he was doing. It doesn't say what case he was  
13 working on, does it?

14 A. Well, no. It does say he was working on this  
15 case.

16 Q. It says research pertaining blank and update  
17 legal research regarding same. It doesn't tell us what  
18 case he's working on.

19 A. It does tell us what case he's working on  
20 because he had to identify this case as the case he was  
21 working on before he made the entry.

22 Q. Just like he did the other three entries that  
23 you claim you parse. That one was pretty clear and  
24 specific.

25 A. First of all, there weren't three entries.



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1 Second -- it would have been only one. Second of all,  
2 he billed to the wrong file.

3 Q. Okay.

4 A. So I can see why -- I can see his confusion,  
5 but he billed to the wrong file. I can tell from two  
6 entries that he billed to the wrong file.

7 Q. Okay.

8 THE COURT: Let's take a two-minute break.

9 (Recess 2:37 p.m. to 2:51 p.m.)

10 Q. (BY MR. BITGOOD) Okay. Going on to LBBS 1.

11 A. Okay. Page 1 of Exhibit 57?

12 Q. Yes.

13 A. Okay. Yes, sir.

14 Q. LBBS 1.

15 MR. BITGOOD: Your Honor, the reason I'm  
16 slow is because the surgery didn't come out right. So I  
17 can't even have the dexterity to flip the pages.

18 THE COURT: The what?

19 MR. BITGOOD: The dexterity of hands.

20 THE COURT: I'm sorry. I'm sorry. We'll  
21 wait. We'll wait.

22 MR. BITGOOD: That's why it's taking me  
23 longer to flip pages than I used to.

24 Q. (BY MR. BITGOOD) There is an entry on page  
25 LBBS 2. It says 10/4/22 SOB, that would Sean Braun

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1 again?

2 A. Yes, sir.

3 Q. Prepare appeal of associate judge's decision on  
4 Bitgood's request of finding of facts and conclusions of  
5 law. That doesn't belong here, does it?

6 A. When we reduce this to a final bill, I would  
7 remove that.

8 Q. Okay. Review cases sent by Sean Braun and take  
9 notes of same. You don't know what case he's talking  
10 about, do you?

11 A. One second.

12 Q. Can I have the benefit of the doubt by saying  
13 it's not clear enough?

14 A. I know that there are cases related to this  
15 matter.

16 Q. Then 10/6, right before the hearing, who's AB?

17 A. AB, that is Audrey Bridges.

18 Q. Okay. Assistance with criminal background  
19 checks, summary, and preparation for injunction hearing.  
20 Did a criminal background check. Correct?

21 A. Ms. Bridges did.

22 Q. Okay. 10/6, prepare exhibit list and exhibits  
23 and finalize for today's hearing. See that one? CR?  
24 Who's CR?

25 A. CR is Candace Russell.

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1           Q.   Okay.   This one doesn't have anything.   It  
2   has -- the next entry 10/6, analyze case law  
3   regarding -- and again blacked out -- and created  
4   outline based on that analysis.

5           A.   Yes, sir.   That blacked out -- there's a  
6   portion that's blacked out.

7           Q.   Who's J -- does that JDJ mean the person who  
8   worked on it?

9           A.   That's the initials of the associate who worked  
10   on it.

11          Q.   Who is JDJ?

12          A.   Jatoriyae Dupree Jones.   And Jatoriyae is  
13   J-A-T-O-R-I-Y-A-E, Dupree, D-U-P-R-E-E, Jones.

14          Q.   10/6, draft elements of TRO and proposed  
15   settlement issues.

16          A.   What number?

17          Q.   That's at the bottom of the page, Mr. Helfand.  
18   I apologize.   The WSH, that's you.

19          A.   No.   The thing you just read -- are you ready  
20   for this?   The thing you just read was BF4.

21          Q.   Oh, and then what's WSH?   What did you do  
22   there, WSH?

23          A.   Additional review and preparation for hearing,  
24   preparation of exhibits for hearing, telephone  
25   conferences with several witnesses regarding testimony,

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1 preparation of cross-examination outline for examination  
2 of three defendants, prepare for and attend hearing,  
3 office conference with Shane Kotlarsky regarding form of  
4 temporary restraining order, correspondence to Jana  
5 Lupert, receipt and review and respond to numerous  
6 e-mails from pro se defendant.

7 Q. That's that particular entry. Okay. Now let's  
8 go to -- on page 3 there is one, two, three, four all  
9 blacked out that say phone call with State Bar of Texas  
10 regarding blank. What does that have to do with this  
11 case?

12 A. Only one of them says that.

13 Q. I'm sorry. You're correct. Let me go back.  
14 Phone call with blank regarding -- and it doesn't tell  
15 us what was done.

16 A. That's correct.

17 Q. Who's AR?

18 A. AR is -- oh, here it is, Antonio Ramirez.

19 Q. Okay. And you can't tell us what that research  
20 was on or the second entry that says, "AR researching  
21 law on blank"?

22 A. I can tell you, but not based on this document.

23 Q. Okay. Next entry, phone call with blank  
24 regarding blank. Can you tell us what that had to do  
25 with this case?

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1           A. Well, I can tell you if I see the unredacted  
2 version, but I can't tell you based on the redacted  
3 version.

4           **Q. Fair enough. Next, phone call with State Bar**  
5 **regarding blank. Can you tell us what that had to do**  
6 **with this case?**

7           A. Again, I could tell you if I have the  
8 unredacted version.

9           **Q. So AR is the person I'm going to have to depose**  
10 **to get these answers, Bill?**

11           A. I don't know that deposing Mr. Ramirez will do  
12 you any good because the information that's blacked out  
13 is privileged. He wouldn't be able to testify to it  
14 whether he could read it or even if he remembered it.

15           **Q. Researching disciplinary history for blank.**  
16 **How is that connected to this case?**

17           A. Well, my expectation is that I assigned  
18 Mr. Ramirez to research the disciplinary history for the  
19 two lawyers who are defendants in this case.

20           **Q. And that was to do what, to impeach them, sling**  
21 **mud? What were you going to do with that information?**

22           A. Well, what I would do with that information  
23 would be work product.

24           **Q. Okay. But you want to get paid for it?**

25           A. Your statement is not correct, sir. You --

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1 Q. Is it --

2 A. You --

3 Q. Is it --

4 A. You required a lawsuit to resolve this problem.  
5 You expanded the lawsuit in our efforts to resolve this  
6 problem. So we've handled this like every problem we  
7 handle for a client. And under the statute, the law  
8 firm is entitled to recover its attorney's fees.

9 Q. Are you done with -- that was the answer?

10 A. That's my answer.

11 Q. Okay. Thank you. 10/6, draft proposed TRO as  
12 requested by the Court, SOK. Who did that?

13 A. That's Shane L. Kotlarsky, K-O-T-L-A-R-S-K-Y.

14 Q. Okay. 10/12/22, that would be on 4. I  
15 apologize again, Bill.

16 A. I found it.

17 Q. There is an entry, e-mails with defendant  
18 Richard Jones regarding LBBS' settlement demands, 1.40,  
19 \$350. When did you visit with Mr. Jones at all?

20 A. I did not visit with Mr. Jones.

21 Q. Has anybody at your firm that you know of  
22 talked to Mr. Jones?

23 A. I don't know whether anyone has talked to  
24 Mr. Jones.

25 Q. And you would agree Mr. Jones was a named

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1 defendant who has not been served after 18 months in  
2 this case. Is that correct?

3 A. I agree Mr. Jones is a named defendant. I  
4 don't know whether Mr. Jones has been served or if he  
5 hasn't been served, how long it's been since he hasn't  
6 been served.

7 Q. Would it surprise you to know he's never been  
8 served?

9 A. I don't know whether it would surprise me or  
10 not.

11 Q. Do you know if no summons was issued for him?

12 A. I do not know that that is the case.

13 Q. Do you that no summons was issued for any  
14 defendant in this case?

15 A. I do not know whether that's the case.

16 Q. 10/28/22.

17 A. What page are you on?

18 Q. It would be LBBS 6.

19 A. 6?

20 Q. That would be the third entry. Receipt and  
21 review indictment and information regarding Bitgood's  
22 arrest for felony stalking in Fort Bend County. What  
23 does that have to do with this case?

24 A. Well, the use to which we put that information  
25 is work product.

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1 Q. So if it's work product, why is it uncovered?  
2 Everything else that's covered that you blacked out, you  
3 claimed as work product. This one is glaring there in  
4 black and white.

5 A. No, I think you misunderstood.

6 Q. Okay.

7 A. Sometimes we list in the billing entry  
8 something that would reveal our work product. That, we  
9 have redacted. This entry, it simply lists what  
10 somebody did. Your question was what would you do with  
11 that information. What I would do as counsel for the  
12 plaintiff with that information is work product. I  
13 can't answer that question.

14 Q. What was the purpose of obtaining the  
15 information?

16 A. That would be work product.

17 Q. Can you explain why you were able to get it on  
18 10/28/22 and the defendant couldn't get it till November  
19 14th? How did you get it? It's work product too?

20 A. First, I don't know what you're talking about.

21 Q. I'm talking about the review of the indictment.  
22 The date is 10/28/22.

23 A. I understand. But you just gave me a bunch of  
24 statements that I don't find anywhere in the record.

25 Q. Let me ask you this question: According to



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1 your billing, you received it on 10/28/22.

2 A. No.

3 Q. 10/28/22, receipt and review indictment and  
4 information regarding Bitgood's arrest for stalking in  
5 Fort Bend County.

6 THE COURT: You're going too fast.

7 MR. BITGOOD: Sorry, Your Honor.

8 Q. (BY MR. BITGOOD) Receipt and review of  
9 indictment and information regarding Bitgood's arrest  
10 for felony stalking in Fort Bend County dated 10/28/22.  
11 Do you see that entry?

12 A. I see that entry.

13 Q. Could you possibly explain how Mr. Braun could  
14 get a copy of an indictment that the defendant couldn't  
15 get till November?

16 A. I don't know whether the defendant got it in  
17 November or not. That's just something that's not here  
18 anywhere in the record.

19 Q. Okay. So the answer to that is no, you cannot  
20 explain that?

21 A. I don't need to explain it because you haven't  
22 established the predicate of the question. I don't even  
23 accept the representation.

24 Q. But you do agree that there was an indictment  
25 brought against me for two counts of stalking against

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1 your purported client?

2 A. I have no personal knowledge one way or the  
3 other.

4 Q. And you have no knowledge of a writ of habeas  
5 corpus releasing me from those charges that were granted  
6 on 33 separate grounds?

7 A. Mr. Easton, I know nothing about that except  
8 what I'm reading right here on the entry to which you  
9 referred me.

10 Q. And you had no hand in getting me indicted?  
11 That's a fair question.

12 A. No, I don't think so.

13 Q. Well, did you or didn't you? You don't have to  
14 think on that.

15 A. Well, I'm saying I don't know --

16 Q. If I pick the phone -- let me give you an  
17 example, Bill. I pick up the phone and I call somebody  
18 in the prosecutor's office and I say, I don't like Bill  
19 Helfand. If you indict him, you'll be doing me a big  
20 favor. And then I put down the phone and Bill Helfand  
21 shows up indicted. Would you think that my suggestion  
22 helped that prosecutor move along?

23 A. I don't know. I can't imagine that any  
24 prosecutor would indict somebody because you asked him  
25 to or someone else asked him to. But if the question is

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1 did I make a phone call like that, unequivocally no.

2 Q. Did anyone in your law firm make a phone call  
3 like that?

4 A. I have no reason to believe anyone did.

5 Q. Do you know?

6 A. I don't know that anyone did or anyone didn't.

7 Q. Have you talked to this so-called prosecutor  
8 that brought this indictment?

9 A. I don't even know who the prosecutor is, let  
10 alone have not -- and never spoken to them.

11 Q. There is on 7, LBBS 7, telephone conference  
12 with opposing counsel and forensic examiner regarding  
13 protocol. What's that about?

14 A. What's the date?

15 Q. 11/16/22.

16 A. I don't know. I can't tell from the entry.

17 Q. Okay. There's another one, next, that would be  
18 page 8.

19 A. Yes, sir.

20 Q. 11/21/22, teleconference with Wallace Dunwoody  
21 in an effort to settle Tim Beers out of case with agreed  
22 permanent injunction. Mr. Dunwoody rejects offer on  
23 behalf of Beers. Do you see that?

24 A. I see that entry.

25 Q. Who is BF, Bennett Fisher?

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1 A. Mr. Fisher.

2 Q. Okay. The next entry, review objection to de  
3 novo hearing in county court at law -- and here's that  
4 case again that you say has no relevance to this one --  
5 review transcript of November 17th hearing in federal  
6 court and review and revise our responses to Bitgood's  
7 objections. Okay. County court at law case, that's the  
8 one in Fort Bend County?

9 A. Let me stop you for a second because the  
10 predicate you've stated is incorrect. I have not said  
11 it has nothing to do with this lawsuit. I told you it  
12 was not the motivation for this lawsuit. But your  
13 conduct and usurping my client's trademark in that  
14 lawsuit is evidence in this lawsuit.

15 Q. Are we talking about the same lawsuit in your  
16 entry?

17 A. It's not my entry.

18 Q. Whoever -- BF.

19 A. You'll have to ask Mr. Fisher.

20 Q. Who is CR?

21 A. What was the initials?

22 Q. CR, page 9.

23 A. I think that's Candace -- well, let me just  
24 check. That is Candace Russell.

25 Q. Okay. There's an entry here, review Harris

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1 County and Fort Bend County websites to determine  
2 whether there's a probate action for the Peter Riga  
3 estate and print the docket for BGF. What did that have  
4 to do in connection with this lawsuit? Peter Riga has  
5 been dead since 2018.

6 A. From the entry? Oh, that's right. Because you  
7 listed Mr. Riga on your letterhead for arbitration and  
8 mediation services.

9 Q. Did I?

10 A. I believe so.

11 Q. Okay.

12 A. Somewhere in your letterhead --

13 Q. Find it for me.

14 A. Somewhere in your letterhead I think you had  
15 Mr. Riga listed.

16 Q. Go ahead.

17 A. So how would I find that for you? I --

18 Q. We're going to get you the document --

19 THE COURT: One at a time.

20 MR. BITGOOD: Sorry, Your Honor.

21 THE COURT: One at a time.

22 MR. BITGOOD: No, no, no, Sue. The letter  
23 to Judge Ellison winding down.

24 THE WITNESS: How about I see all of them?

25 MS. NORMAN: Well, this is the --

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1                   **MR. BITGOOD:** That's the narrative reading.

2                   **THE REPORTER:** One at a time.

3                   **MS. NORMAN:** This is the apparently  
4 offensive letterhead.

5                   **THE WITNESS:** Let's not testify,  
6 Ms. Norman. This is just but one of the offensive  
7 letterheads.

8                   A. Here's the thing, that's my recollection.

9                   **Q. (BY MR. BITGOOD)** Hold up.

10                  A. Just listen. That's my recollection. If  
11 you're going to cherry pick documents to show me, that  
12 doesn't mean that it doesn't exist, but I'm happy to  
13 have that tete-a-tete with you but that won't be proof  
14 that it doesn't exist.

15                  **Q. So without proof that something doesn't**  
16 **exist --**

17                  **MR. BITGOOD:** Hand it to him.

18                  A. Oh, yes, here it is. It's Exhibit 23A. You  
19 listed Mr. Riga and yourself as providing mediation and  
20 arbitration services.

21                  **Q. (BY MR. BITGOOD)** It says Peter J. Riga at the  
22 **top. You see it?**

23                  A. I don't see anything, sir. You took it away  
24 from me.

25                  **Q. Okay. Exhibit No. 23A. Could you read the top**

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1 where it says Peter J. Riga and the next line right  
2 below his name?

3 A. Peter J. Riga, Ph.D., JSD, JD, LL, M, ST, D,  
4 TH, D, PH, L, Emeritus 2003. October 29th, 1933, March  
5 29th, 2018.

6 Q. Stop right there, please. So you know that  
7 Mr. Riga is a dead man. Correct? He's deceased.

8 A. I don't know that.

9 Q. Well, why is your law firm looking up a probate  
10 action for him? And, more importantly, what does he  
11 have to do with this case?

12 MR. FISHER: One question at a time.

13 MR. BITGOOD: Sorry. You're right. I  
14 withdraw.

15 Q. (BY MR. BITGOOD) Let's go back to the  
16 beginning. At least the letterhead identifies him as  
17 deceased?

18 A. No, it does not. No, it does not. It lists  
19 two dates. It doesn't say deceased anywhere on here.  
20 And I wouldn't even imagine for a second that somebody  
21 who wasn't trying to deceive others would use somebody's  
22 letterhead if they were deceased, but I don't see  
23 deceased on here in answer to your question.

24 Q. When you see a letterhead or you see an  
25 obituary and it says 1930 -- can I have the document,

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1 please -- 2018, what do you think those numbers would  
2 represent to a normal person? Now, that may be  
3 difficult for you, but a normal person.

4 MR. FISHER: Objection. Please define  
5 normal.

6 MR. BITGOOD: Definitely not him.

7 A. Okay. You asked when I see a letter and when I  
8 see an obituary. I don't know what it means in a  
9 letter. In an obituary I would assume it's the person's  
10 date of birth and date of death.

11 Q. (BY MR. BITGOOD) Okay. And the only person  
12 holding himself out as a mediator and an international  
13 domestic arbitrator is myself. Do you see it there,  
14 footnote 1? I'm right below Professor Riga.

15 A. No, it doesn't say that.

16 Q. What's footnote 1 say?

17 A. Footnote 1 says A.A. White Dispute Resolution  
18 Institute, University of Houston School of Law.

19 Q. And what --

20 A. But --

21 Q. Go ahead. I'm sorry.

22 A. But the answer to your question is  
23 mediator/international and domestic arbitrator is under  
24 both of your names.

25 Q. It's not, but that's okay. Next entry, CR



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1     **dated 12/7/22.**

2             A.   That's on page 9?

3             **Q.   Yes.   Search probate records for Peter Riga**  
4     **estate using Texas Courts Google search for his**  
5     **obituary.   See that there?   What does that have to do**  
6     **with this case?**

7             A.   Well, again, you sent a number of letters using  
8     Mr. Riga's name on the letterhead.   And I can't recall  
9     as we sit here whether that also used the Lewis Brisbois  
10    Bisgaard & Smith trademarked name.   Clearly, one of  
11    us -- it may have been me, it may have been Mr. Fisher,  
12    it may have been Mr. Kotlarsky or may have been another  
13    lawyer -- asked Ms. Russell to determine whether  
14    Mr. Riga was a living, practicing attorney.

15            **Q.   12/16/22, page 11.**

16            A.   Yes, sir.

17            **Q.   Meeting with David Oubre re preliminary**  
18    **injunction, three hours.   Review discovery responses**  
19    **from Beers.   Draft letter to Dunwoody, etc.   What did**  
20    **you and Mr. Oubre talk about in those three hours?**

21            A.   A couple of problems --

22                   **MR. FISHER:**   Objection.

23            A.   -- with your question.   First, it doesn't list  
24    that I talked to Mr. Oubre -- and that's how you  
25    pronounce his last name -- at all.

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1 Q. (BY MR. BITGOOD) And would you --

2 A. It doesn't identify a meeting of three hours --

3 THE REPORTER: Off the record.

4 (Brief recess.)

5 A. I did not meet with Mr. Oubre. Secondly, it  
6 was not a meeting for three hours. It was a meeting for  
7 .3 hours which means between 12 minutes and 18 minutes.  
8 As to what Mr. Fisher and Mr. Oubre discussed I could  
9 not speak to.

10 Q. (BY MR. BITGOOD) Okay. Let's go to 12/16/22.  
11 Office conference with Bill Helfand and Bennett Fisher  
12 regarding motion to revoke ECF access and appeal. See  
13 that entry there?

14 A. Yes, sir.

15 Q. And you felt it necessary to ask this Court to  
16 revoke my ECF access?

17 A. Yes, sir.

18 Q. Based on the litany of allegations that you put  
19 in that pleading. Correct?

20 A. I don't know what you mean by the litany of  
21 allegations.

22 Q. Well, you obviously pled something that I'd  
23 done wrong.

24 A. If I could finish my answer.

25 Q. Go ahead.

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1 A. Based on the reasons set forth in the pleading.

2 Q. And you also did the same thing at the Fifth  
3 Circuit. Correct?

4 A. Yes, sir.

5 Q. And you told the Fifth Circuit, whoever signed  
6 the pleading, that I didn't confer with you before I  
7 asked for ECF access?

8 A. I don't have a specific recollection whether we  
9 did or didn't.

10 Q. Do you recall what happened when the Fifth  
11 Circuit was shown our certificate of conference how they  
12 ruled?

13 A. I don't recall that the Fifth Circuit was shown  
14 a certificate of conference. I also don't recall the  
15 Fifth Circuit's ruling.

16 Q. But I e-filed the Fifth Circuit. Correct?

17 A. I don't know the answer to that question.

18 Q. Page 13. At Bennett's instruction, review  
19 State Bar's website for disciplinary history for Sue  
20 Norman and Peter Riga. Attempt to find information for  
21 unauthorized practice of law against Michael Easton;  
22 Michael Bitgood. Review Texas UPL committee website.  
23 E-mail to BGF regarding my findings at his request for  
24 commission to prepare memo regarding those findings. Do  
25 you see the entry there?

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1           A. No. Can you tell me who the person that made  
2 the -- oh, okay. Is that one, 1/9/23, CR 7?

3           **Q. Yes, sir.**

4           A. Yes, sir. Now, I see it.

5           **Q. Were you any part of that? Do you know**  
6 **anything about that?**

7                   **MR. FISHER:** Object. What do you mean by  
8 any part?

9                   **MR. BITGOOD:** It says, "At Bennett's  
10 instruction." Was any part of that -- did he have a  
11 meeting about that?

12           A. Is your question did I have a meeting with  
13 someone about that?

14           **Q. (BY MR. BITGOOD) Yes.**

15           A. I don't recall. I don't have any recollection  
16 of having a meeting about that, but that doesn't mean I  
17 didn't.

18           **Q. Okay. On 1/10/23, draft and send e-mail to the**  
19 **unauthorized practice of law committee to request**  
20 **address and individual to request UPL records for**  
21 **Michael Bitgood or Michael Easton. You see that?**

22           A. I see the entry.

23           **Q. Did you have anything to do with that?**

24           A. Well, it depends on what you mean, anything to  
25 do with that. I'm ultimately responsible for all the

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1 work in this case as lead counsel. Are you asking  
2 whether I was personally involved in that particular  
3 event?

4 **Q. Yes.**

5 A. No, I don't think I was.

6 **Q. Who's SLK, Shane Kotlarsky?**

7 A. LK?

8 **Q. Yes.**

9 A. SLK is Shane Kotlarsky, yes. I'm sorry.

10 **Q. It would be on page 15.**

11 A. Okay.

12 **Q. Exchange multiple e-mails regarding discovery**  
13 **issues. See that?**

14 A. Let's see.

15 **MR. FISHER:** What's the date?

16 A. Yeah. What date is it?

17 **Q. (BY MR. BITGOOD) It says 3/3/23.**

18 A. 3/3 is not on page 15.

19 **Q. Page 16. I'm sorry. You copied these back to**  
20 **back. That's why. They are on back to front.**

21 A. So I see "Exchanged multiple e-mails with  
22 Bitgood regarding discovery issues." Is that what  
23 you're talking about?

24 **Q. Yes, sir.**

25 A. Yes, sir.

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1           Q. To your knowledge, was that in connection with  
2 this case or the Fort Bend case?

3           A. That would have had to be in connection with  
4 this case. I know for sure it was in connection with  
5 this case.

6           Q. So there's times you know for sure and there's  
7 times you don't remember. Is that correct?

8           A. No. I'll tell you if I have personal knowledge  
9 of something and I'll tell you if I don't. But I have  
10 personal knowledge that the 3/3/23 entry is related to  
11 this case.

12          Q. So, Mr. Helfand, is it safe to say that in  
13 these records that you've been giving me, unless it has  
14 your initials right beside it, you weren't the one who  
15 performed the work?

16          A. I'm going to have to change your question a  
17 little bit because that's not an accurate statement.

18          Q. I asked a question. Is it safe to say if your  
19 initials do not appear to the right as having performed  
20 the work, you are not the person who actually performed  
21 the work?

22          A. It depends what you mean performed the work.  
23 If you mean performed the task that's listed, then I am  
24 not the person -- I only performed a task where my name  
25 is listed.

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1           **Q. Thank you, sir.**

2           A. As to performing the work, I may have  
3 collaborated with somebody on that and simply not put in  
4 a billing entry. There's lots of places where I did  
5 work but didn't choose to enter my time.

6           **Q. I've got to go back. Who is Martin Hughes?**

7           A. Martin Hughes was one of the people who was a  
8 witness in the preliminary -- the temporary restraining  
9 order -- the preliminary injunction -- I'm sorry -- the  
10 preliminary injunction hearing. He's an employee of the  
11 law firm.

12           **Q. You said he was a witness. You didn't call any**  
13 **witnesses that day. Was he a --**

14           A. No, he was --

15           **Q. -- potential witness?**

16           A. I'm sorry. I interrupted you.

17           **Q. Was he a potential witness?**

18           A. Yes.

19           **Q. You didn't call any witnesses.**

20           A. I remember testifying as a witness and I  
21 remember Mr. Alto also testifying as a witness.

22           **Q. On 10/6/22 or 12/16?**

23                   **MR. FISHER:** At the TRO.

24           A. At the temporary injunction hearing.

25           **Q. (BY MR. BITGOOD) I said temporary restraining**

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1 order. That's why I asked you. Nobody testified at the  
2 TRO hearing.

3 A. Are you asking me a question, Mr. Easton?

4 Q. I asked you and you said yes, that these people  
5 testified. Are you incorrect? Nobody testified at that  
6 hearing. That's accurate. Thank you, sir. We'll move  
7 on.

8 A. I don't think that's what you asked, but nobody  
9 testified at the TRO hearing.

10 Q. Okay. Page 14, the billing.

11 A. I'm there.

12 Q. 1/13/23, prepare motion to dismiss Bitgood's  
13 TCPA appeal, 4.8 hours. Is that in connection with this  
14 case?

15 A. No.

16 Q. So it's on your billing but it's not in  
17 connection with this case. Correct?

18 A. It's on our billing draft. You're not looking  
19 at a bill. You're looking at a billing draft. See at  
20 the left-hand corner on every page says prebill? That's  
21 not a bill. That's just a billing draft. You --

22 Q. This is the document the Court entered a  
23 protective order. Right? It can't be shown to anybody  
24 but attorneys at Mr. Fisher's request?

25 A. Right. It's subject to a protective order.



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1           Q.   Okay.   So it says there, prepare motion to  
2   dismiss Bitgood's TCPA appeal.   What court was that in?

3           A.   The 14th District Court of Appeals is my  
4   understanding.

5           Q.   Correct.   And then below, review and comment on  
6   Easton's finding?

7           A.   Not finding, filing.

8           Q.   Filing.   I'm sorry.   On 1/17 with Shane  
9   Kotlarsky.   And then 1/18, revise, finalize and file  
10   motion to dismiss Bitgood's state court anti-SLAPP  
11   appeal.   What does that have to do with this case?

12          A.   Well, which entry do yo want me to talk about?

13          Q.   Let's talk about the one were it says, revise,  
14   finalize, and file a motion to dismiss Bitgood's state  
15   court appeal and anti-SLAPP.

16          A.   It is not related to this case.   You've  
17   successfully identified, Mr. Easton, that Sean Braun  
18   seems to have used the wrong file number for several of  
19   his entries and that will not be on a final bill.

20          Q.   Okay.   Because you have no interest in that  
21   case.   Correct?

22          A.   No, because it's not related to the prosecution  
23   of this lawsuit.

24                **MR. BITGOOD:**   Can you get the court of  
25   appeals docket?

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1 Q. (BY MR. BITGOOD) Did you and your law firm  
2 file a motion to dismiss my appeal in a case where you  
3 were not a party?

4 A. I don't --

5 MR. FISHER: Who is you?

6 A. I don't --

7 Q. (BY MR. BITGOOD) You being him, LBBS being the  
8 client.

9 A. I don't know what lawsuit you're talking about.

10 Q. The same one we're talking about here, the  
11 motion to dismiss Bitgood's anti-SLAPP appeal in the  
12 14th Court of Appeals.

13 A. Yes. I believe our law firm filed a motion to  
14 dismiss that appeal as moot in light of the settlement  
15 of the underlying case.

16 Q. And you were not a party to that appeal.  
17 Correct?

18 A. I am not a party to that appeal.

19 Q. Do you have a client in that appeal?

20 A. In that appeal?

21 Q. Yes.

22 A. No.

23 Q. Okay. So would you read -- this is Exhibit  
24 No. 43. We filed a motion to strike your filing as  
25 being interloper. Can you tell the Court what the court

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1 of appeals ruled?

2 A. Well, first of all, you said you filed. Do you  
3 mean we?

4 Q. We filed a motion to dismiss your filings in my  
5 appeal for you people, being LBBS and David Oubre as  
6 it's written in the order, being interlopers in an  
7 appeal that you had no business in. What was the ruling  
8 of the Court?

9 A. Okay. Again, you said in your filing. I  
10 don't -- I don't think I made a filing.

11 Q. Yeah. Okay.

12 MR. BITGOOD: Give me his filing. The  
13 letter.

14 A. If I did, I'm happy to look at it.

15 MS. NORMAN: Just a second. What number  
16 did I hand you?

17 THE WITNESS: 43.

18 MR. BITGOOD: The appellate court.

19 MS. NORMAN: Yeah.

20 Q. (BY MR. BITGOOD) Mr. Helfand, I'm going to  
21 hand you a document marked as Defendant's E-x No. 39,  
22 and it shows a file stamp in the 14th Court of Appeals  
23 dated April 21st, 2023. And it says, "Dear Ms. Young, I  
24 write in response to the Court's April 13th letter  
25 requesting appellees, Karina Martinez and Imperial

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1       Lofts, an LLC, advise the Court of whether this appeal  
2       is moot."

3                       Right in the middle of the page you say,  
4       "No lawyer of my firm represents Martinez, Imperial Loft  
5       or Imperial Lofts in this appeal." Is that a true  
6       statement?

7               A. Let me see what you're talking about.

8                       **MR. FISHER:** Can you show him the document?

9               **Q. (BY MR. BITGOOD)** I thought you had a better  
10       memory, Bill. I apologize.

11              A. At the time of this letter, April 21st, 2023,  
12       no lawyer of my firm represented Martinez, Sullivan or  
13       Imperial Lofts in that appeal.

14              **Q.** And so you still filed a motion to dismiss my  
15       appeal. Correct? And you were not a party to it. You  
16       represented no one in that case, and it appears on this  
17       billing in this federal court case.

18              A. You've just asked me about five different  
19       things. So tell me what you want me to answer.

20              **Q.** You represented no one in that appeal.  
21       Correct?

22                       **MR. FISHER:** What appeal?

23              **Q. (BY MR. BITGOOD)** The appeal he's got his hands  
24       on. Okay? You want me to read the case number?

25              A. No, no. I represented no one in that appeal.

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1           Q.   Okay.  Did your law firm represent anyone in  
2   that appeal?

3           A.   No.

4           Q.   Okay.  The motion to dismiss was filed by David  
5   Oubre and Lewis -- LBBS?

6           A.   No.

7           Q.   So then the Court -- look at the Court's order.

8           A.   43?

9           Q.   Yes.

10          A.   Okay.

11          Q.   Read it to the Court.

12          A.   Appellant's motion to strike the motion to  
13   dismiss filed by David Oubre and Lewis Brisbois  
14   Bisgaard & Smith, LLP is granted.

15                   THE WITNESS:  Bless you.

16          A.   But it's not in the document.

17          Q.   (BY MR. BITGOOD)  Huh?

18          A.   I said bless you, but it's not in the document.  
19   I thought I heard somebody sneeze.

20          Q.   Again, what does that have to do with this  
21   case?

22          A.   Well, I never said it --

23          Q.   Well, it's on --

24          A.   I haven't told you it had anything to do with  
25   this case.

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1           Q.   It's on these billing slips.   That's why I'm  
2   asking.

3                   THE COURT:   One at a time.   One at a time.

4                   MR. BITGOOD:   Sorry, sir.

5           A.   Show me the billing entry you're talking about.

6           Q.   (BY MR. BITGOOD)   Page 14, prepare motion to  
7   dismiss Bitgood's TCPA appeal.   The date is 1/13/23 is  
8   when you filed the motion.

9           A.   Okay.   I didn't file a motion, but,  
10   Mr. Bitgood, if all of this was to come back to what  
11   I've already told you, which is that Mr. Braun's entry  
12   does not belong on this prebill, I'll say it again.  
13   Mr. Braun's entry there does not belong on this prebill.  
14   And in a final bill, it will not be on the final bill.

15                   MR. BITGOOD:   Last page.   Submitted by  
16   William S. Helfand.   Okay.   That's --

17                   MS. NORMAN:   I've got Exhibit 38 in my  
18   hand.   May I hand it to you, please?

19                   THE WITNESS:   Thanks.

20           Q.   (BY MR. BITGOOD)   Would you tell the Court what  
21   that document is?

22           A.   It's a pleading in the 14th Court of Appeals.

23           Q.   What is that pleading requesting?

24           A.   David Oubre and Lewis Brisbois  
25   Bisgaard & Smith, LLP's opposed motion --

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1                   **THE REPORTER:** Slow down.

2                   **THE WITNESS:** I'm so sorry. Of course.

3           A. -- opposed motion to dismiss appeal in  
4 opposition to appellant's motion to extend time to file  
5 appellant's brief.

6           **Q. (BY MR. BITGOOD)** And now -- that's all I asked  
7 you was the title of the document. Would you look at  
8 the last page. In state court they are called  
9 electronic signatures under the Civil Practice and  
10 Remedies Code. Who signed the pleading? Those are  
11 exhibits, sir. Go to the last page.

12           **MS. NORMAN:** The last page of the actual  
13 pleading.

14           A. I understand the English language. David  
15 Oubre.

16           **Q. (BY MR. BITGOOD)** The first signature on that  
17 line is David Oubre?

18           A. Yes, sir.

19           **Q.** Let me see it again, please. No, that's not  
20 it. That's the exhibit, Mr. Helfand. Nice going. The  
21 actual motion.

22           A. Why don't you show me what you'd like me to  
23 read, which, of course, everybody could read without me  
24 reading it. Page 15 of the document you provided me is  
25 slash S, William Helfand. It's not signed either, but

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1 it does bear my name.

2 Q. Well, earlier you testified your name goes on  
3 there with your permission.

4 A. Absolutely. I authorized somebody to put my  
5 name on here to file this.

6 Q. In a case that you were not involved in, in a  
7 case you were not a lawyer in, a case where you  
8 represented no one. Correct?

9 A. No.

10 Q. I'm not correct?

11 A. You're not correct.

12 Q. Okay.

13 A. We were involved.

14 Q. Who did you represent in that appeal?

15 A. We didn't represent anyone, but we were  
16 involved. The letter that you gave me was a letter to  
17 the clerk in response to the clerk's letter to my law  
18 firm asking us to address issues in the appeal.

19 Q. You're saying the clerk sent your law firm,  
20 LBBS, a letter?

21 A. Give me back the letter that I just -- that you  
22 had showed me a moment ago where you quoted me as  
23 saying, I nor my law firm represented anyone in this  
24 appeal, and I'll show you. Yeah. We're looking at  
25 Exhibit No. 39, please.



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1           **Q.   Yes.**

2           A.   Quote, "I write in response to the Court's  
3   April 18th, 2023 letter requesting appellees Karina  
4   Martinez, Marianna Sullivan, and Imperial Lofts, LLC  
5   advise the Court whether the instant appeal is moot."  
6   That letter came from the Court to my law firm. That's  
7   why I wrote the clerk back what I wrote.

8           **Q.   Would it surprise you to know it actually went**  
9   **to Thompson & Coe, their lawyers, not you?**

10          A.   Would what surprise me?

11          **Q.   That the letter you reference, the statement**  
12   **that I'm writing in response to that letter, that letter**  
13   **went to Thompson & Coe, not to your law firm?**

14          A.   That letter came to my law firm. I wrote based  
15   upon that letter.

16          **Q.   And you identify it as having no interest in**  
17   **the appeal.   Correct?**

18          A.   No. I said we do not represent any of the  
19   people listed by the clerk in which the clerk asked for  
20   a response -- for which the clerk asked for a  
21   response -- for whom -- I'm sorry.

22          **Q.   And that doesn't belong on this billing either.**  
23   **Right?**

24          A.   I don't know what that is.

25          **Q.   The things that you did in the 14th Court of**

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1 **Appeals. What do they have to do with this case?**

2 A. The things that I did in the 14th Court of  
3 Appeals?

4 **Q. The pleading you signed earlier asking the**  
5 **Court to dismiss my appeal, which the Court struck from**  
6 **the record. What does that have to do with the case**  
7 **before Judge Ellison?**

8 A. I'm going to say for a fifth time. It does not  
9 have anything to do with this pending matter. I don't  
10 believe I billed that here, but if I did, it was in  
11 error.

12 **Q. Now, Mr. Helfand, you said you got notice of**  
13 **the dissolution, according to the docket sheet, on**  
14 **October the 11th. Accepting that date is true, October**  
15 **the 11th, would you agree that that's the date you got**  
16 **the notice of our dissolution?**

17 A. Well, it depends on what you mean by got the  
18 notice. I'm charged with notice when the Court's ECF  
19 system transmits it.

20 **Q. Okay.**

21 A. Whether I actually got it. I can't say.

22 **Q. Okay.**

23 A. Or when I got it. I'm sure I got it, but when  
24 I got it I can't say.

25 **Q. And did you receive a letter from me -- you**

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1 filed suit September the 23rd. Did you receive a letter  
2 from me dated September 28th offering to submit the case  
3 on stipulated facts five days later?

4 A. I don't recall.

5 MS. NORMAN: It's not in here.

6 MR. BITGOOD: I think it is. Hold on.  
7 We're looking for an exhibit.

8 Q. (BY MR. BITGOOD) Mr. Helfand?

9 A. Sure.

10 Q. I can't find that letter, but I'll ask you the  
11 question anyway. If you don't recall, you don't recall.  
12 Do you recall me sending you a letter saying let's  
13 submit the case to Judge Ellison today, five days after  
14 the suit, and in the letter it said if he rules the name  
15 is yours, it's yours. We go away. If he says it's  
16 ours, it's ours and we're done. Do you recall receiving  
17 any such communication?

18 A. I don't recall that letter.

19 Q. I will provide for you when -- but rest assured  
20 it was made and it's in the Court's file. We used to  
21 have a docket sheet --

22 THE COURT: Just ask --

23 MR. FISHER: No more sidebars.

24 MR. BITGOOD: Excuse me, sir?

25 THE COURT: Just ask the question.

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1                   **MR. BITGOOD:** Yes, sir.

2                   **MS. NORMAN:** Start from the back.

3                   **THE REPORTER:** I can't hear you Mr. --  
4 you're mumbling. I don't know if you want that to be  
5 part of the record or not part of the record.

6                   **Q. (BY MR. BITGOOD) Mr. Helfand?**

7                   A. Yes, sir.

8                   **Q. I'm sorry to bother you again.**

9                   A. You're not bothering me. I'm ready when you  
10 are.

11                  **Q. Okay. During the life of this case, did you**  
12 **send an e-mail to Mr. Beers suggesting that he should**  
13 **get me onboard with the settlement offer?**

14                  A. I don't recall sending any e-mails to  
15 Mr. Beers. If you have an e-mail I sent, I'm happy to  
16 look at it.

17                  **Q. I'm happy with your answer, sir.**

18                  A. I don't recall sending any e-mails to  
19 Mr. Beers.

20                  **MR. BITGOOD:** Susan, stop. Don't find it.

21                  **Q. (BY MR. BITGOOD) Mr. Helfand?**

22                  A. Sure.

23                  **Q. So we do have an agreement that at least on**  
24 **10/6, you knew of the dissolution of this company, ours,**  
25 **the domestic -- very specific, the Lewis Brisbois**

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1 Bisgaard & Smith, LLP Texas was dissolved on 10/6, or at  
2 least, by your account, 10/11. Correct?

3 MR. FISHER: I object to the way the  
4 question was asked.

5 A. I can't answer that the way it was asked. You  
6 had a long predicate there. If you could just give me  
7 your question, I can answer your question.

8 Q. (BY MR. BITGOOD) Were you aware, at least on  
9 10/11, which you've testified earlier that's when the  
10 clerk file stamped the document, that the company had  
11 been dissolved and a letter was sent to the judge  
12 telling the judge the company has been dissolved, we  
13 don't want to fight anymore?

14 A. I was not aware of all those things you just  
15 said.

16 Q. So you didn't know about the docket entry?

17 A. I know of the docket entry, but not all the  
18 ways you characterized what the docket entry said.

19 MR. BITGOOD: Let me have that exhibit  
20 again.

21 MS. NORMAN: The docket?

22 MR. BITGOOD: No. I want the letter to the  
23 judge dated October 6th.

24 Q. (BY MR. BITGOOD) Mr. Helfand?

25 A. Yes, sir.

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1           Q. You testified on 23. I'm going to hand it to  
2 you again, dated October 6th. It shows ECF filed.  
3 You've testified that you're responsible for when the  
4 ECF comes up it sends you copy. Correct?

5           A. When the clerk enters something in ECF or a  
6 party enters something in ECF, it's -- it normally sends  
7 a copy.

8           **THE REPORTER:** What exhibit is this?

9           **MR. BITGOOD:** This would be Defendants'  
10 Exhibit 23A.

11           Q. (BY MR. BITGOOD) It says, Dear Judge Ellison,  
12 I enclosed the paperwork filed on even date with the  
13 Texas Secretary of State which resolves the grievances  
14 as set forth by plaintiff, pro se. We do this because  
15 it is obvious from the Court's gentle reasoning and  
16 thoughts as expressed by His Honor on the record, this  
17 is the right thing to do. If plaintiff pro se wants to  
18 continue this fight, then we cannot control that.  
19 However, not one word that you spoke was lost,  
20 therefore, we yield to you. It summarizes by thanking  
21 the judge and attaches the dissolution and the meetings  
22 of this Lewis Brisbois. It shows the file number,  
23 dissolution, everything that you could want. Do you  
24 remember receiving this or did you ever see it at all?

25           A. Yes, I do remember receiving this and I did

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1 receive it at all.

2 Q. That's the relief you are asking the Court to  
3 grant you. Right? The returning of the right to the  
4 name that you claim belongs to you?

5 A. That is part of the relief that the plaintiff  
6 has sought in this case.

7 Q. Let's go on then.

8 MR. BITGOOD: Now you give me that one.

9 MS. NORMAN: Which one?

10 MR. BITGOOD: The one that didn't have the  
11 letter attached, his settlement again.

12 THE REPORTER: Please. Off the record.

13 (Recess 3:49 p.m. to 3:54 p.m.)

14 Q. (BY MR. BITGOOD) Mr. Helfand, if I can  
15 distract you from your phone for a moment.

16 A. Yes. I'm with you 100 percent.

17 Q. Okay. Attached to your -- when you sent the  
18 e-mail, you list the settlement demands. It says, the  
19 parties will jointly agree to all of the following:  
20 Permanent injunction enjoining defendants, Michael  
21 Joseph Bitgood, Jones, Norman, and Beers from using  
22 directly or indirectly any of the trademarks, the names.  
23 I understand that. I agreed to do that. Is that  
24 correct?

25 A. I don't know, Mr. Bitgood. I don't even know

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1 what you're reading right there.

2 Q. Your list of settlement demands that you sent  
3 to us.

4 MR. FISHER: When?

5 A. There were several times that we sent  
6 settlement proposals.

7 Q. (BY MR. BITGOOD) I'm talking about the one you  
8 sent dated 10/14/22.

9 A. I don't have a copy of that.

10 Q. Okay. Let me put it in front of you.

11 A. But I do have a record that around October 12th  
12 I approved a proposed settlement offer.

13 Q. I agreed to the injunction. Remember?

14 A. I don't remember.

15 Q. Have you been on any of the videoconferences  
16 with Judge Ellison and us?

17 A. What was the question, sir?

18 Q. Have you attended any of the videoconferences  
19 with Judge Ellison and us with Mr. Fisher leading?

20 A. When Mr. Fisher what?

21 Q. Was lead counsel. Address the Court.

22 A. I don't recall -- other than temporary  
23 injunction hearing I know Mr. Fisher and I were both on.  
24 I don't recall subsequent to that if that's what you're  
25 asking whether I have or have not been on any -- I know



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1 I've been on other conferences with the Court, but I  
2 don't recall whether there have been times when both  
3 Mr. Fisher and I were both on.

4 **Q. Do you have the list of settlement demands or**  
5 **do you need it from me?**

6 A. I don't have any document transmitting a  
7 settlement demand. I have a list of the different times  
8 that we've made settlement proposals.

9 **Q. I'm talking about the one that appears in the**  
10 **Court's file. Document 19 filed on 10/14/22. Let me**  
11 **hand it to you now.**

12 A. Okay. I have it. This is document 19, page  
13 16. Exhibit A, page 16. Got you.

14 **Q. Do you see Demand No. 1 for permanent**  
15 **injunction enjoining?**

16 A. Yes, sir. I read the entire thing.

17 **Q. Okay. Agreement to wind up and dissolve the**  
18 **domestic Lewis Brisbois. You see that?**

19 A. That's No. 3.

20 **Q. 4, an agreed order vacating Judge White's**  
21 **September 13th order granting the motion to show**  
22 **authority and removing David Oubre and Lewis Brisbois as**  
23 **counsel for Karina Martinez and you as the Fort Bend**  
24 **suit.**

25 **THE COURT:** You're going too fast.

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1 Q. (BY MR. BITGOOD) No. 4, Mr. Helfand.

2 A. I see No. 4. You've paraphrased it, but you've  
3 generally correctly stated it.

4 Q. And it lists the cause number of the Fort Bend  
5 County case. You want an agreed order in that case.

6 A. I don't want that.

7 Q. Are you not on the settlement -- I mean, the  
8 management committee?

9 A. I was not on the management committee at the  
10 time that this letter was written.

11 Q. Did you not -- this is your list of settlement  
12 demands you say. An agreed order vacating Judge White's  
13 findings, his order granting the motion. And then you  
14 list the case number. Is that correct?

15 A. This is not my list of settlement demands.  
16 This was what my client agreed to do in exchange for  
17 dismissing the lawsuit and not seeking to recover  
18 damages and attorney's fees.

19 Q. Okay. And you represented your client.  
20 Correct?

21 A. Correct.

22 Q. And you also called yourself as a witness at  
23 the temporary injunction hearing. Correct?

24 A. Correct.

25 Q. And you testified as to the grounds why the

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1 Court should grant the preliminary injunction. Correct?

2 A. No.

3 Q. You did not?

4 A. I testified to some of the facts that underlie  
5 the law firm's claim for damages in the temporary  
6 injunction.

7 Q. No. 5, an agreed order vacating Judge White's  
8 September 27th findings. You see that?

9 A. I see that after you paraphrased it, but I  
10 understand what you're referring to.

11 Q. No. 6, entry of judgment in the Fort Bend  
12 County case.

13 A. Yes, sir.

14 Q. That grants Lewis Brisbois declaratory relief  
15 and finds, A, Lewis Brisbois Bisgaard & Smith is and at  
16 all times since 2009 been authorized to conduct  
17 business. Do you see No. 6, Mr. Helfand?

18 A. Yes. I will tell you -- if it helps you and  
19 the court reporter -- I can read it without you reading  
20 it to me.

21 Q. Okay. No. 6A, would you read it, please?

22 A. I've read it.

23 Q. Would you read it out loud, please?

24 A. Sure. Lewis Brisbois Bisgaard & Smith, LLP is  
25 and at all times since at least 2009 has been authorized

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1 to conduct business in the State of Texas State; and.

2 **Q. Just the A. No. 7, dismiss all claims in the**  
3 **same Fort Bend lawsuit. Is that correct?**

4 A. Yes, it is the same Fort Bend lawsuit. Yes,  
5 sir. It's all claims against Mr. Oubre -- now you've  
6 got me doing it -- Mr. Oubre and Lewis Brisbois  
7 Bisgaard & Smith because by then you were also  
8 prosecuting --

9 **Q. What's the --**

10 **THE COURT:** Let him answer it before  
11 anybody else starts speaking. Mr. Helfand, were you  
12 finished?

13 **THE WITNESS:** Yes, Your Honor.

14 **MR. BITGOOD:** He was speaking, Your Honor.

15 **THE WITNESS:** Yes, Your Honor.

16 **THE COURT:** Ask next your question, please.

17 **Q. (BY MR. BITGOOD) No. 8, permanent injunction**  
18 **enjoining each --**

19 A. Basic non-disparagement.

20 **Q. No. 10.**

21 A. Repayment of the filing fees in this action.

22 **Q. That's No. 10?**

23 A. Oh, sorry. That was 9. Sorry. An agreement  
24 of defense and indemnity from and for any claims of any  
25 other person claiming by or through the defendants to

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1 have the authority to use any of the trademarked names  
2 or derivatives thereof.

3 Q. Okay. In document 183-53 filed in this case  
4 dated September 29th, '23, page 13 and 14, you've  
5 changed the settlement demands. Would you read what  
6 No. 8 is into the record? When I say you, I mean LBBS,  
7 your client.

8 A. Yes. Just to be clear, this is not an e-mail  
9 from me, but I can read what Mr. Kotlarsky wrote under  
10 No. 8. Dismissed Case No. 14-22-694-CV. Michael Joseph  
11 Bitgood a/k/a Michael Easton versus Karina Martinez,  
12 Marianna Sullivan, and Imperial Lofts, LLC in the 14th  
13 Court of Appeals, Houston, Texas.

14 Q. Again, what did that have to do with this case?

15 A. What that had to do with this case is that as a  
16 condition of settlement of the Lanham Act case, the law  
17 firm wanted a complete and final resolution of all  
18 matters between you and everyone related to the lawsuit.  
19 So they made a demand in exchange for significant  
20 reduction in the attorney's fees and waiving damages for  
21 nonmonetary relief as listed in that letter. The firm  
22 was only going to make a full and final and complete  
23 settlement, Mr. Easton, just like any other litigant.

24 Q. Including clients you do not represent because  
25 you told the 14th Court of Appeals in this very case you

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1 represented no one. You didn't have an interest in the  
2 appeal. You were just answering their letter. So now  
3 your firm is telling me to dismiss my case against other  
4 people that you do not represent as part of your  
5 settlement demands?

6 A. A number of statements that you made are  
7 incorrect.

8 **THE COURT:** Let him finish the question.

9 A. A number of statements that you made are  
10 incorrect --

11 **THE COURT:** No. Let him finish the  
12 question.

13 **THE WITNESS:** Oh, I'm sorry. I thought he  
14 was.

15 **Q. (BY MR. BITGOOD)** You earlier testified before  
16 this Court that you had no interest and it shouldn't  
17 be -- if you're going to shake your head before I  
18 finish --

19 A. I didn't say no interest, Mr. Easton. I said  
20 we didn't represent any of the parties to the appeal.

21 **Q. Okay.**

22 A. We did have an interest in that lawsuit.

23 **Q. Could you tell us why you had an interest in**  
24 **it?**

25 A. Because in that lawsuit you filed claims

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1 against my law firm and my law partner.

2 Q. Well, no, sir. This is the appeal. It's an  
3 interlocutory appeal. It has nothing to do with you and  
4 your law firm. That's the one pending in Fort Bend.  
5 The one in the 14th Court of Appeals was against people  
6 you don't represent.

7 MR. FISHER: My objection --

8 A. I don't agree with what you said. What you've  
9 said is flatly wrong. What I said was my law firm and  
10 Mr. Oubre have an interest in the lawsuit. The appeal  
11 is simply an interlocutory appeal from that lawsuit.  
12 And you have been using that appeal to stay action in  
13 this county court at law that would allow Mr. Oubre and  
14 my law firm to address those issues, and so my client  
15 does have an interest in the outcome of that appeal.  
16 What you say incorrectly is my client doesn't represent  
17 a party to that appeal, but they have an interest in the  
18 outcome of that appeal. They have an interest in the  
19 resolution of that appeal so that the county court at  
20 law judge can take up the objections to the associate  
21 judge's recommendations which are not yet effective.

22 Q. (BY MR. BITGOOD) Thank you, sir. Now, beyond  
23 10/6 or 10/11, what other relief could this Court have  
24 granted you besides the dissolution?

25 A. A permanent injunction.

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1           Q. Wait. I wasn't finished.

2           A. Okay. Well, go ahead and predicate -- that  
3           sounded like a question, but go ahead.

4           Q. You had your agreed permanent injunction as to  
5           me. You had your dissolution as to me on 10/6. I wrote  
6           the judge a letter and told him I'm out 10/6/2022.  
7           That's less than a month into the lawsuit. Okay?

8           A. Are you testifying now or are you asking me a  
9           question?

10          Q. I'm laying the predicate. First you complained  
11          there's no predicate. Then you complain you don't  
12          understand the question.

13          A. No. I'm telling you the predicate is  
14          inaccurate and the one you just said is inaccurate as  
15          well. There was no permanent injunction against you.

16          Q. I know there's no permanent injunction against  
17          me. Mr. Fisher promised the judge he was going to send  
18          it over. He never did. So that's the proper predicate.  
19          Okay?

20          A. That's not correct, nor is that a proper  
21          predicate. If you have a question, just ask the  
22          question.

23          Q. Mr. Helfand, beyond 10/6/22, you had the  
24          dissolution. Correct? You had it in hand.

25          A. Sometime after October 6th, 2022, yes.



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1           Q.   Okay.   Minimum of October 6th or October 11th.  
2   You say it's the 11th.   I'll give you the 11th, but you  
3   had it in hand.   Correct?

4           A.   I don't agree with the dates that you've used,  
5   but I did get it --

6           Q.   Okay.

7           A.   -- sometime after you sent it to the Court.

8           Q.   I agreed to your permanent injunction?

9           A.   I have no record of you agreeing to a permanent  
10   injunction.

11          Q.   Okay.   Beyond that date, what else did you do  
12   that was necessary to complete this lawsuit?

13          A.   Everything that you see in the billing records  
14   because, one, there was no permanent injunction.   Two,  
15   you continued to claim ownership of the trademark.  
16   Three, you continued to create totally unnecessary  
17   billing for the lawsuit with frivolous comments,  
18   personal attacks, and completely groundless things you  
19   filed in the Court.   So the relief to which my client is  
20   entitled is statutory damages under the Lanham Act,  
21   attorney's fees for prosecution of that, and a permanent  
22   injunction.

23          Q.   Okay.   And so concerning these frivolous,  
24   baseless -- what else did you call my work?

25               THE COURT:   Just ask your next question.

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1 Q. (BY MR. BITGOOD) Your remedy for that is Rule  
2 11, is it not?

3 A. No, it's not.

4 Q. You further referred to my work in this case as  
5 garbage, did you not?

6 A. I don't have a recollection of using that term,  
7 but it might be appropriate.

8 Q. Would you feel the same way if someone called  
9 your work garbage?

10 MR. FISHER: You have.

11 A. If I engaged in garbage work, I might be  
12 expected to be labeled as doing garbage work.

13 Q. (BY MR. BITGOOD) Mr. Helfand, do you recall at  
14 the testimony -- I mean, at the hearing of December the  
15 15th, which was the temporary injunction hearing, I made  
16 an offer of 15 exhibits. Do you recall if they were  
17 admitted?

18 A. I don't recall that.

19 Q. Okay. This was the hearing where the judge  
20 asked you do you object and you said I don't know what  
21 he's up to, but I don't object and the judge admitted  
22 the exhibits. Do you remember now?

23 A. I don't recall that.

24 Q. Okay.

25 A. I'm not saying it didn't happen. I just have

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1 no recollection one way or another.

2 Q. So what's in evidence so far is the state  
3 court's orders and findings. That was No. 1. No. 2 was  
4 the record of the proceedings. No. 3 was the letter  
5 pleading to the state court informing the state court of  
6 the dissolution. No. 4 was the status report to the  
7 state court. No. 5 was the e-mail from Lewis Brisbois'  
8 managing partner stipulating that he would call no  
9 witnesses. No. 6 was a letter pleading dated August  
10 16th to the state court judge. No. 7, a letter to the  
11 state court from Thompson & Coe making clear that Judge  
12 White's orders are final and the client will not appeal  
13 those orders. No. 8 was the state court docket sheet.  
14 These are all exhibits before this Court. No. 9,  
15 pleading filed August 18th in the state court and using  
16 the letterhead of Lewis Brisbois. Again, no objections  
17 there. No. 10, the pleadings filed in state court dated  
18 September 19th. 11, a letter pleading to the state  
19 court dated September 28th -- September 26th, three days  
20 after you filed the case in federal court. No. 12,  
21 notice to the state court of the statutory stay. No. 13  
22 was a document you filed claiming that the stay was  
23 lifted. 14, the response plaintiff pro se's sweeping  
24 declaration of judicial mootness. No. 15 was the  
25 Meredith Riede letter which you claim is your client.

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1                   **THE REPORTER:** Is this an exhibit?

2                   **MR. BITGOOD:** Yes.

3                   **Q. (BY MR. BITGOOD)** Those are documents that have  
4 already been admitted into evidence in this case. Am I  
5 correct?

6                   **A.** I have no idea, Mr. Easton.

7                   **Q.** So you weren't there?

8                   **A.** Was I where?

9                   **Q.** At the hearing, at the temporary injunction  
10 hearing?

11                   **A.** I was at the temporary injunction hearing.

12                   **Q.** I said, "At this point, Your Honor, I'm going  
13 to move to admit Exhibit 1 through 15. Those are before  
14 the Court. They're certified copies. If it please the  
15 Court, I move to admit 1 through 15.

16                   **THE COURT:** Any objection?

17                   **MR. HELFAND:** I have no objection, Judge."

18                   **THE COURT:** Exhibits 1 through 15, has the  
19 other side seen all of them?

20                   **MR. BITGOOD:** Yes, sir, I believe.

21                   **THE COURT:** Any objection?

22                   **THE WITNESS:** I don't think he's offering  
23 them now, Judge. I think he --

24                   **MR. BITGOOD:** I'm going to offer them  
25 again.

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1                   **MR. FISHER:** He's repeating that at the  
2 preliminary injunction hearing that he offered these  
3 exhibits and then Mr. Helfand or I -- which neither of  
4 us objected and then you admitted those documents.  
5 That's all he's done, just explaining that that happened  
6 and he's asking Bill if he remembers --

7                   **THE COURT:** Is there any argument about  
8 that?

9                   **THE WITNESS:** No, I told Mr. Bitgood --

10                  **THE REPORTER:** One at a time.

11                  **THE WITNESS:** I think he's asking me.

12                  **MR. FISHER:** He's asking me or Bill?

13                  **THE COURT:** I'll ask whoever wants to  
14 speak.

15                  **THE WITNESS:** I've told Mr. Bitgood three  
16 times, I have no recollection whether that did or didn't  
17 happen.

18                  **THE COURT:** Okay. Are you offering --

19                  **MR. BITGOOD:** I'll offer them --

20                  **THE COURT:** -- exhibits.

21                  **MR. BITGOOD:** Yes, sir. I'll offer them  
22 again.

23                  **THE COURT:** It's different from offering  
24 exhibits in a trial which will be the ultimate test of  
25 admissibility. For the purposes of the record in this

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1 deposition, do you object to those 15 documents?

2 **MR. FISHER:** I'd like to see them first.

3 **THE COURT:** Well, that's why I was asking  
4 you.

5 **MR. BITGOOD:** Thank you, sir.

6 **THE COURT:** You okay?

7 **MS. NORMAN:** I'm okay. I'm handing  
8 Mr. Fisher Document 60 which was filed on November 28th,  
9 2022, in this court. It was filed with all -- with the  
10 first 11 of the exhibits that Mr. Bitgood read the  
11 titles of. This is Document 60.

12 **THE COURT:** Okay. Well, I'm just confused  
13 as why we're offering these. Is it purely for  
14 identification?

15 **MR. BITGOOD:** Yes, sir. You've already  
16 admitted these exhibits into evidence in this case.

17 **THE COURT:** I'm not disputing that. I just  
18 had no memory of it. I'm sorry.

19 **MR. BITGOOD:** That's okay, Your Honor.

20 **MS. NORMAN:** I can also offer the witness,  
21 Mr. Helfand, Exhibit 33 which is the extract of the  
22 transcript with page 33 --

23 **THE COURT:** Is this something else in  
24 addition to 15?

25 **MS. NORMAN:** This is where they were

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1 admitted, Your Honor.

2 **THE COURT:** Well, I don't think that's  
3 disputed. Let's just mark them for purposes of  
4 identification in this deposition. That does not waive  
5 about admissibility a later hearing.

6 **MR. FISHER:** How are we marking these?  
7 They've got a stamp saying Exhibit No. 31. Is that  
8 today's 31?

9 **MR. BITGOOD:** You don't have to offer those  
10 exhibits again because he's already said they're  
11 admitted already.

12 **MS. NORMAN:** Okay.

13 **MR. BITGOOD:** Let's not go through it.  
14 Okay? It's already been admitted.

15 A. Do you have a question?

16 **Q. (BY MR. BITGOOD)** Yes, I do. As an attorney,  
17 you are aware of the Rooker-Feldman doctrine. Correct?  
18 Do you know what it is?

19 A. So like so many doctrines, I know generally  
20 something about it, but I don't -- I don't apply it or  
21 utilize it without rereading it, the cases that it  
22 interpreted.

23 **Q. Do you know what the Rooker-Feldman doctrine**  
24 **is?**

25 A. You know, I get confused between the different

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1 doctrines.

2           **THE COURT:** The Rooker-Feldman doctrine in  
3 its essence prevents the civil court from interfering  
4 with state court litigation. Let's just use that as my  
5 assumption and let's go forward.

6           **THE WITNESS:** That would have been one of  
7 my guesses.

8           **Q. (BY MR. BITGOOD)** Mr. Helfand, you've also read  
9 the opinion of Helfand versus Cohen reported at 12  
10 Southwest 3rd 152. Correct?

11           **A.** That has nothing to do with this case and  
12 that --

13           **Q. All I asked is --**

14           **A.** -- question violates the judge's order not to  
15 harass, embarrass or otherwise run outside of the 56D  
16 motion. You know that case has zero to do with anything  
17 we're here about.

18           **THE COURT:** It really doesn't. Let's move  
19 on. Let's move on.

20           **MR. BITGOOD:** Your Honor, if I may. Judge,  
21 if I may, all I asked him was he is aware of the  
22 opinion.

23           **THE COURT:** He is. He is.

24           **THE WITNESS:** I'm aware of it enough to  
25 know it has nothing to do with what we're here about.



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1                   **THE COURT:** Let's move on. We've trod that  
2 path before.

3                   **MR. BITGOOD:** Okay, Judge. And, Judge, if  
4 I may. For the sake of this deposition -- and I meant  
5 to do that when we got started -- could I ask you to  
6 take judicial notice of the entire proceeding right now  
7 where we sit, please? Under Rule --

8                   **THE COURT:** Take notice of it, that we are  
9 in a deposition?

10                  **MR. BITGOOD:** No, sir, of the entire  
11 proceeding under Rule 201.

12                  **THE COURT:** The entire what?

13                  **MR. FISHER:** Proceedings.

14                  **THE COURT:** State proceedings?

15                  **MR. BITGOOD:** No, sir. Cause No. 4:22, the  
16 one you're presiding over.

17                  **THE COURT:** Take judicial notice of it?

18                  **MR. BITGOOD:** Yes, sir.

19                  **THE COURT:** What does that mean?

20                  **MR. BITGOOD:** It means you take judicial  
21 notice of the entire proceeding. You presided over it.  
22 You know the docket entries. You know the case.

23                  **THE COURT:** It's my case, and I'll  
24 administer the case like I do any other. It certainly  
25 includes knowledge of what's in the file.

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1                   **MR. BITGOOD:** Thank you, sir, because I  
2 don't want to make a summary judgment motion that's this  
3 high. If you take judicial notice of it --

4                   **THE COURT:** I'll take judicial notice of  
5 the case of which I am responsible --

6                   **MR. BITGOOD:** Thank you, sir.

7                   **THE COURT:** -- to do for all cases in which  
8 I'm responsible.

9                   **MR. BITGOOD:** Thank you so much. I'm not  
10 trying to be fussy. I just want to shorten the paper.

11                   I'll pass the witness at this time, Your  
12 Honor.

13                   **THE COURT:** Thank you. Can we adjourn or  
14 is there another witness?

15                   **MS. NORMAN:** I've got -- I have a couple of  
16 questions, Your Honor.

17                                           EXAMINATION

18 BY MS. NORMAN:

19                   **Q.** Mr. Helfand, I'm going to hand you what's  
20 marked previously as Exhibit 22. It was -- it's  
21 document 10-6 which was filed October the 6th, 2022, in  
22 this case. Can you identify what that is?

23                   **A.** It is document 10-6 filed on October 6th, 2022,  
24 in this case.

25                   **Q.** Okay. What does it appear to be to you?

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1           A. It appears to be an e-mail from Mr. Easton to  
2 someone named Brice Beale slash Bryce Spencer and then  
3 an e-mail from Meredith Riede to Norman Giles.

4           **Q. Okay. I'm going to hand you what's been marked**  
5 **as Exhibit No. 8. And if you'll look at the body -- of**  
6 **course, the print is smaller -- if you'll look at the**  
7 **body of that e-mail on Exhibit 8 and compare it to**  
8 **Exhibit No. 22, please, sir.**

9           A. I'm not qualified to compare the two documents.

10          **Q. Are the words the same?**

11          A. You want me to sit here and read all of this  
12 document and then read the other one and tell you if the  
13 words are the same?

14          **Q. The only thing I want you to read is the e-mail**  
15 **body text.**

16          A. Right. Three paragraph -- just so we're clear,  
17 you want me to read every word in both e-mails and tell  
18 you if they're the same words? That's your question?

19          **Q. Yes, sir.**

20          A. Okay.

21                 **THE COURT:** Hold on a second. Do you have  
22 any reason to believe they're different, Mr. Helfand?

23                 **THE WITNESS:** They don't appear to be  
24 different from a bird's-eye view, Your Honor.

25                 **THE COURT:** Okay. I'm not going to ask him

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1 to read the whole document.

2 **MS. NORMAN:** Thank Your Honor.

3 **THE COURT:** If there's something you want  
4 to point him to and ask if it's different, I'll allow  
5 you to do that.

6 **Q. (BY MS. NORMAN)** Okay. If you will look on the  
7 second page of Exhibit No. 8. You have previously  
8 testified that the fact that that letterhead exists and  
9 was sent as an attachment to that e-mail sent to  
10 Ms. Riede that that was confusing to her -- could have  
11 been confusing -- and constituted -- if I'm paraphrasing  
12 incorrectly, I'm sure you'll correct me -- an offer of  
13 legal services. Did I say that correctly?

14 **A.** Will you show me the testimony to which you are  
15 referring?

16 **Q.** It's what you said earlier today.

17 **A.** No, I did not say the things you just said  
18 earlier today.

19 **Q.** Okay. When you look at that second page below  
20 the letterhead, what is the date?

21 **A.** Below the horizontal line?

22 **Q.** Yes, sir.

23 **A.** August 17th, 2022.

24 **Q.** Is there a case number?

25 **A.** Yes.

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1 Q. Okay. What case number is that?

2 A. 22-CCV-070378.

3 Q. And does it appear to be the lawsuit filed in  
4 Fort Bend County Court At Law No. 3, Richard Jones,  
5 Michael Joseph Bitgood a/k/a Michael Easton, Lewis  
6 Brisbois Bisgaard & Smith, LLP versus Karina Martinez,  
7 Marianna Sullivan, Imperial Lofts, LLC, and the  
8 remaining defendants that you earlier gave the name  
9 spelling for? Does that appear to be correct?

10 A. Well, it's not a lawsuit. It's just those  
11 names.

12 Q. Okay.

13 A. You asked me if it appears to be a lawsuit. It  
14 does not appear to be a lawsuit. It appears to be a  
15 letter.

16 Q. Okay. May I hand you Exhibit No. 8A. Do you  
17 see that that unfiled -- the document you just -- we  
18 just looked at has not been filed previously as attached  
19 to Exhibit -- I think it's 8 -- but that would -- is  
20 there a file stamp on that document up at the right-hand  
21 corner?

22 A. What is that document?

23 Q. 8A.

24 A. There is a file stamp in the upper right-hand  
25 corner from the county clerk of Fort Bend County, Texas.

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1           Q. And will you briefly look at the pages in 8A  
2 and tell me if this is a letter addressed Meredith  
3 Riede?

4           A. There's no way to tell from looking at this  
5 whether it's a letter addressed to Meredith Riede.

6           Q. Do you see Ms. Riede's name in there?

7           A. There's 18 pages. I don't -- I'm not going to  
8 look for Ms. Riede's name in here.

9           Q. Okay. May I have that back, please?

10          A. Sure.

11          Q. Thank you. Do you have a partner in the  
12 California office named Daniel DeCarlo?

13          A. Well, we have more than one office in  
14 California.

15          Q. Okay.

16          A. But I do have a partner named Dan DeCarlo.

17          Q. Okay.

18          A. Daniel DeCarlo, yes.

19          Q. Do you have any personal knowledge of what his  
20 area of general practice is, his focus area?

21          A. Yes. He's a litigator.

22          Q. Litigator? Okay. Does he litigate trademarks  
23 or does he deal with trademarks and patents?

24          A. He is an intellectual property lawyer, among  
25 other things.

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1                   **MS. NORMAN:** Okay. Pass the witness.

2                                   EXAMINATION

3 BY MR. DUNWOODY:

4           **Q. Marked for identification is a document labeled**  
5 **LBBS Fees 1 to 44.**

6           A. I have a copy here.

7           **Q. Would you describe what this document is**  
8 **generally?**

9           A. This is a prebill for time entries related to  
10 work in the prosecution of this lawsuit and as  
11 Mr. Bitgood has pointed out as to some entries, some  
12 entries that do not belong on a final bill related to  
13 this matter.

14           **Q. Okay. Is there an engagement letter between**  
15 **the law firm and you as the attorney representing it or**  
16 **any of the lawyers at LBBS to represent the law firm?**

17           A. Not for this matter.

18           **Q. Is there a general engagement letter that would**  
19 **be applicable to cover this matter?**

20           A. I don't know the answer to that question. I  
21 don't think so, but I don't know.

22           **Q. Have any invoices been issued from LBBS**  
23 **essentially to itself relating to this matter?**

24           A. No.

25           **Q. What's the process for how that occurs?**

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1                   **MS. NORMAN:** Excuse me.

2                   **MR. DUNWOODY:** Bless you.

3           A. Well, for this matter or any other in which  
4   there are recoverable attorney's fees, depending upon  
5   the arrangement with the client, the bill will not be  
6   generated until the completion of all work which is the  
7   case here. In some cases the client will pay an hourly  
8   fee but there will be a contingency as to some portion  
9   of the fee. So a regular bill will go out for the --  
10   for that portion that the client has agreed to pay on a  
11   regular basis. And then, of course, there are cases  
12   where the client agrees to pay either a quarterly or  
13   monthly or some other frequency bill in the prosecution  
14   of a lawsuit and we simply bill them for that at the end  
15   of whatever that term is.

16           **Q. (BY MR. DUNWOODY)** I'm specifically concerned  
17   about the instance where the law firm is representing  
18   itself. Is there any written memorialization of how the  
19   invoices will be generated, how the fees will be paid  
20   relating to this action?

21           A. Relating specifically to this action?

22           **Q. Yes, sir.**

23           A. Not that I recall.

24           **Q. Who would know the answer to that?**

25           A. I would.



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1           Q. To date, no invoices have been finalized and  
2           issued. Are there currently plans to finalize and issue  
3           invoices relating to this matter?

4           A. Well, you said -- the first thing you said was  
5           wrong. No invoices have been finalized is not correct.  
6           Once an invoice is created, it is finalized. Invoices  
7           aren't finalized. Billing entries are finalized into an  
8           invoice.

9           Q. Have any invoices relating to this matter been  
10          generated?

11          A. No. All time remains in prebill status.

12          Q. So no invoices have been created relating to  
13          this matter?

14          A. That's correct.

15          Q. Have any payments been made relating to this  
16          matter in terms of attorney's fees?

17          A. Yes.

18          Q. Could you explain?

19          A. Sure. The firm has redirected attorneys who  
20          would ordinarily be billing the same amount of time to  
21          regularly-paying clients to do the law firm's legal  
22          work. And so in that -- and the law firm continues to  
23          compensate those lawyers as if their work was work that  
24          would generate fees from a fee-paying -- regular  
25          fee-paying client, the firm has had to rededicate those

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1 people to the prosecution of this lawsuit. So in that  
2 regard, the firm has incurred an equivalent expense of  
3 everything that's properly on the prebill.

4 **Q. In my experience, that's referred to as giving**  
5 **somebody work credit for something that's done. Is that**  
6 **the same nomenclature you use at your firm?**

7 A. No.

8 **Q. How do you describe it?**

9 A. What I just said. The firm took -- whether  
10 it's Bennett Fisher or Shane Kotlarsky or Bill Helfand  
11 and asked them to set aside work for other clients and  
12 took on the expense of prosecuting this matter by  
13 dedicating its own counsel who otherwise would be  
14 generating fees from other work, and at the same time  
15 the firm continues to pay those lawyers based upon their  
16 work the same way that they would pay if they were  
17 working for other clients.

18 **Q. (BY MR. BITGOOD) Okay. I appreciate -- my**  
19 **question must not have been clear because you gave the**  
20 **same answer, but I was trying to ask you something**  
21 **different.**

22 A. Well, you asked me how do I call it.

23 **THE COURT:** No, no, no. If you're not  
24 satisfied with the answer, ask another question.

25 **Q. (BY MR. DUNWOODY) I want to make clear what it**

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1 is that I'm trying to ask you. I'm not asking about the  
2 internal process of how it works. What do you call it  
3 when you're paying someone for work that they're doing  
4 on a firm matter? Is there a shorthand name for how you  
5 refer to that?

6 A. We don't have a term for that.

7 Q. And so each of the billing timekeepers, were  
8 they paid the amounts that show up on the prebill or  
9 were they paid some lesser amounts?

10 A. The lawyers are all paid a salary. Every  
11 lawyer's salary exceeds anything on that prebill in  
12 terms of an entry, if that's what you're asking. I  
13 don't understand what you're asking.

14 Q. Down at the bottom -- let me move on to this  
15 line of questioning. Down at the bottom of this LBBS  
16 document starting with Bates No. 1 it says  
17 noninstitutional. What does that mean?

18 A. So the firm has -- we've actually abandoned  
19 that, but back when this case was opened, we were under  
20 an accounting system that required an identification for  
21 the accounting system of whether the client was  
22 institutional or noninstitutional. And one of the  
23 reasons we've abandoned that is, first of all, we  
24 abandoned that accounting system, but also because there  
25 was no firm -- as in solid, firm-wide definition of what

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1 an institutional versus noninstitutional client was. So  
2 all that means is whenever the nice lady who is now  
3 retired who opened this file opened it, she had to pick  
4 one or the other and she chose one without regard to any  
5 guiding principles.

6 Q. At the end of the prebill, if we look at page  
7 43, there are handwritten notes on there. Do you see  
8 those?

9 A. Uh-huh.

10 Q. Whose notes are those?

11 A. I can't tell. I don't know. Somebody's  
12 initials are on there, but I don't know whose initials  
13 those are.

14 Q. What was the purpose of those handwritten  
15 notes?

16 MR. FISHER: You're asking him to  
17 speculate.

18 A. Yeah. I was going to say, I don't know. I  
19 don't know.

20 Q. (BY MR. DUNWOODY) I see some stars that  
21 indicate duplicate entries.

22 A. You have to show me where you're --

23 Q. It's on page 43 and 44. Do you see the  
24 asterisk and it says duplicate entries?

25 A. I see a star and the word "duplicate entries."

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1           Q. All right. And you see the same thing on the  
2 next page, 44?

3           A. I see a star and the word "duplicate entries."

4           Q. Did you task someone with going through and  
5 reviewing the prebill for duplicate entries?

6           A. I did not.

7           Q. Who was responsible for reviewing this prebill  
8 and applying redactions to it?

9           A. Ask that question again, please.

10          Q. Who was responsible for reviewing the prebill  
11 and applying redactions to it?

12          A. Applying the what?

13          Q. Redactions.

14          A. Oh, the redactions. I don't know who the  
15 person was that did the redactions or who the person is  
16 who did the redaction.

17               **MR. DUNWOODY:** Your Honor, may I approach  
18 with a copy of this?

19               **THE COURT:** Yes, you may. You have a copy  
20 for my law clerk?

21               **MR. DUNWOODY:** I do. Your Honor, a number  
22 of these entries are blocked out, blacked. We don't  
23 have an explanation as to what the asserted privilege is  
24 that goes along with them and we would ask that the  
25 Court require that they be produced in an unredacted

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1 form. I'd note, first off, that many of these entries  
2 relate to things that happened at least 18 months to two  
3 years ago. The chance that there being anything  
4 that's --

5 **THE COURT:** You said these happened  
6 sometime 18 months or two years ago and it is unlikely  
7 of being any privileged?

8 **MR. DUNWOODY:** Anything that's work product  
9 that would be time sensitive, where it's likely to  
10 reveal some litigation strategy that's not otherwise  
11 evident.

12 **THE COURT:** I'm not prepared to rule on  
13 several dozen pages of legal fees. What I would suggest  
14 is that if you -- it is something that was produced to  
15 you some time ago?

16 **MR. DUNWOODY:** Yes, Your Honor. It was not  
17 produced today. It was produced, you know, some matter  
18 of weeks ago.

19 **THE COURT:** Then file a motion to compel  
20 and I'll get plaintiff to respond to it and then I'll --

21 **THE REPORTER:** Judge, can I get you to  
22 speak up, please. I can't see you or hear you.

23 **THE COURT:** What I said was I'm not  
24 prepared to rule on dozens of pages of legal fees today.  
25 If anyone would like to file a motion to compel and I

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1 get the plaintiff's response, I'll then rule on it. I'm  
2 not going to rule on it today.

3 **MR. BITGOOD:** Your Honor?

4 **THE COURT:** Yes.

5 **MR. BITGOOD:** Just to remind you, we can't  
6 file anything. We're enjoined from filing any  
7 pleadings.

8 **THE COURT:** I'll revisit that. I'll  
9 revisit.

10 **MR. BITGOOD:** Thank you.

11 **MR. DUNWOODY:** Your Honor, may we take this  
12 opportunity to move for leave to file a motion to compel  
13 on this limited issue?

14 **THE COURT:** I'll take it under advisement.  
15 I'll take it under advisement.

16 **MR. DUNWOODY:** Should we re-urge that in  
17 writing?

18 **THE COURT:** Yes.

19 **Q. (BY MR. DUNWOODY)** All right. Mr. Helfand, on  
20 page 1 of the document that we're looking at there's an  
21 entry on 9/22/22. Do you see it?

22 **A.** Yes, sir.

23 **Q.** And it says, Continue preparing federal  
24 complaint against Bitgood and his counsel. Does that  
25 refer to Brad Beers?

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1 A. No.

2 Q. Who does it refer to?

3 A. I think it refers to Ms. Norman, but we would  
4 have to ask Mr. Braun.

5 Q. Okay. I've gone through and added up the  
6 entries from the beginning of this prebill until the end  
7 of the day on October 6th. I see the grand total comes  
8 to \$40,870. Does that sound roughly right?

9 A. No, I have no idea. I have no idea whether  
10 you've done it correctly. I've not made any  
11 calculations.

12 Q. For purposes of this discussion --

13 A. Can I finish my answer?

14 Q. -- assume with me for a moment --

15 A. Can I finish my answer?

16 THE REPORTER: One at a time, please.

17 A. I've not made any calculations. So I'm not  
18 going to agree with or disagree with your calculations  
19 at all.

20 Q. (BY MR. DUNWOODY) Fair enough.

21 A. And I'm not going to answer any questions based  
22 on your purported calculations.

23 Q. And then if we go to the last page of the  
24 document, the grand total according to this prebill is  
25 \$422,575?



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1 A. No. It's \$425,585.

2 Q. I'm sorry. I was looking at the handwritten  
3 notes there.

4 A. The handwritten note says 422,575.

5 Q. I'm sorry. Which is the official version, the  
6 one with the handwritten notes or is there some other  
7 version that's the official version?

8 A. The printed version is the grand total of  
9 what's on the document.

10 Q. Okay. And that's --

11 A. When I say printed, I mean printed by the  
12 computer, not somebody's handwriting.

13 Q. Okay. And that's more than ten times \$40,000.  
14 Fair?

15 A. Yeah, that number is more than ten times  
16 \$40,000.

17 Q. And as of October 6th, 2022, the entity that  
18 your client was upset about having been created was  
19 dissolved. Yes?

20 A. I didn't understand your question.

21 Q. As of October 6th, 2022, the entity that your  
22 client was upset about having been formed, that entity  
23 was dissolved that day. True?

24 A. Yes. Well, I don't -- sorry. I don't know if  
25 it was done on October 6th, but I've seen filings that

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1 were submitted on October 6th.

2 Q. If I look at the end of the prebill, we have  
3 two different tables down at the bottom that are  
4 timekeeper tables. Could you explain, what's the  
5 difference between those two timekeeper tables?

6 A. I don't know where you see -- I only see on the  
7 last page one timekeeper table.

8 Q. If you look at the last two pages, so starting  
9 on page 43.

10 A. Okay.

11 Q. We have a table there that says timekeepers.

12 A. Yes, sir.

13 Q. And it looks like it continues on to page 44  
14 and then there's another timekeeper table. I was asking  
15 you to explain, what's the difference between those two?

16 A. What it says there. It says timekeepers in the  
17 first table and the second table says timekeeper  
18 life-to-date.

19 Q. And what's the reason for the distinction  
20 there?

21 A. Well, when we look at a prebill, we want to  
22 know how much time is on that prebill. That's the  
23 timekeeper. And we want to know how much time for that  
24 person has been billed to the matter to date, which is  
25 beyond the current prebill, when we have generated one

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1 or more invoice.

2 Q. Okay. So it would make a difference if  
3 there -- multiple invoices had previously been  
4 generated?

5 A. If there had been one or more previous  
6 invoices, there should be a different number between  
7 timekeeper, which is the present amount of time, and  
8 timekeeper life-to-date, which is the cumulative amount  
9 of time.

10 Q. One of the claims that's asserted in this  
11 action is for violation -- or for infringement of a  
12 registered trademark. And I guess there are multiple  
13 registered trademarks that plaintiff is asserting have  
14 been infringed. Is that correct?

15 A. I'd have to look at the pleading to be able to  
16 answer that question.

17 Q. You acknowledge that Lewis Brisbois does not  
18 have a registered word mark for its firm name?

19 A. I don't agree with that. I don't know one way  
20 or the other.

21 Q. You understand that in order to recover  
22 statutory damages the plaintiff -- that claim has to be  
23 for violation of a registered mark. Right?

24 A. You're asking for my legal conclusion, and I'm  
25 not going to give you my legal opinions.

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1 Q. You don't acknowledge that?

2 A. I'm not going to speak about my legal opinions.

3 MR. FISHER: Ask him facts.

4 Q. (BY MR. DUNWOODY) It's a fact that Lewis  
5 Brisbois doesn't have a registered word mark for its  
6 firm name. True?

7 A. I don't know the answer to that question which  
8 is I think what I told you two questions ago.

9 Q. At what point will there be a final invoice  
10 issued for this matter where someone has gone through  
11 and vetted it to remove the extraneous things and to  
12 exercise billing judgment and making appropriate  
13 reductions for duplicate entries, things of that nature?

14 A. When -- if the Court awards attorney's fees,  
15 then ordinarily what happens in this district is the  
16 Court then requires a submission of evidence of  
17 attorney's fees and then that will be reduced to a final  
18 bill. It may still be in prebill form, but it will be a  
19 prebill form that is susceptible to final billing.

20 Q. More thoroughly vetted prebill?

21 A. Fair to say.

22 Q. And it's fair to say that if you were the one  
23 going through and reviewing this particular prebill, you  
24 would exercise judgment and remove or reduce some of the  
25 entries that we've seen on there?

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1           A. Yes. I would say remove -- well, yes, I'd look  
2 at it for both those purposes, yes, sir.

3           **Q. What goods or services were sold under the**  
4 **allegedly infringing entity's name?**

5           A. I don't understand your question.

6           **Q. I asked you what goods or services were sold**  
7 **under the allegedly infringing entity's name?**

8           A. I heard you. I don't understand what you're  
9 asking. Repeating your question doesn't help me.

10          **Q. What is it about the question that you didn't**  
11 **understand?**

12          A. The whole thing.

13          **Q. As you sit here today, can you identify any**  
14 **allegedly infringing goods or services that were sold by**  
15 **any of the defendants?**

16          A. I don't know what you mean by infringing goods  
17 or services. Goods and services don't infringe. Goods  
18 and services are things. So I don't understand what  
19 you're asking.

20          **Q. You don't know what an allegedly infringing**  
21 **good or service is?**

22          A. I know what allegedly -- I don't understand the  
23 question. I'm not going to try and help you fix it. I  
24 don't understand your question.

25          **Q. You don't know?**

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1           A. No, I don't not know. I don't even understand  
2 what you're asking.

3           **Q. What goods or services did the defendant sell**  
4 **that the plaintiff has an issue with?**

5           **MR. FISHER:** Do you understand?

6           A. You asked me what goods and services the  
7 plaintiff sold?

8           **Q. (BY MR. DUNWOODY) No.**

9           **MS. NORMAN:** Defendants sold.

10          A. What was the question?

11          **Q. (BY MR. DUNWOODY) What goods or services that**  
12 **the defendants sold does the plaintiff have an issue**  
13 **with?**

14          A. Well, they advertised for sale mediation and  
15 arbitration services. They told the judge that they  
16 adopted the name for the very purpose of using it to  
17 sell mediation and arbitration services.

18          **Q. Okay. But my question is what did they sell**  
19 **that the plaintiff has an issue with?**

20          A. Mediation and arbitration services.

21          **Q. To who?**

22          A. I don't know. They haven't revealed that.

23          **Q. As far as you're aware, there have been no**  
24 **goods or services actually sold. Fair?**

25          A. No, I wouldn't say that. I don't know whether

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1     there have or haven't.

2           **Q.   So as far as you know, there are not?**

3           A.   No, I don't agree with that.

4           **Q.   Have any prebills been submitted to the**  
5     **management committee?**

6           A.   I don't know.

7           **Q.   Who would know that?**

8           A.   I would.   I should say I don't recall one way  
9     or the other.   I don't recall one way or the other.

10           **MR. DUNWOODY:**   All right.   I pass the  
11     witness.

12                           FURTHER EXAMINATION

13     BY MR. BITGOOD:

14           **Q.   I just have a few more questions for you,**  
15     **Mr. Helfand.**

16           **THE COURT:**   Can we excuse this witness?

17           **MR. BITGOOD:**   Your Honor, I have a few  
18     more.

19           **Q.   (BY MR. BITGOOD)   Mr. Helfand, earlier**  
20     **Mr. Dunwoody asked you and you couldn't tell him whether**  
21     **you owned the word mark.   Correct?**

22           A.   I don't know whether the firm does or not  
23     own what Mr. Dunwoody called a word mark.

24           **Q.   You don't know if they own it.   Correct?**

25           A.   I don't know whether they do.   I don't know

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1 whether they don't.

2 Q. Okay. So you brought this lawsuit and in your  
3 pleadings you placed that you had the patent. I want to  
4 make sure we're clear on that. Your new word mark,  
5 according to the patent office, was effective 10/31 of  
6 '23, but you brought this lawsuit 9/23 of '23. We had a  
7 state court order and a state court finding that said we  
8 were legally authorized to use the name Lewis Brisbois.  
9 We gave up on the 6th after listening to this man's --  
10 His Honor's words that it just generally was not a good  
11 idea. We had expedited discovery served on us which we  
12 had to answer in five days. And yet you tell  
13 Mr. Dunwoody that you have no idea of who sold any goods  
14 and services despite the answers to discovery and  
15 despite being sanctioned \$1,000 for not responding fast  
16 enough. Is that your testimony under oath, sir?

17 A. I don't agree with most of the things you just  
18 said, Mr. Easton, so I'm not going to answer question.  
19 Your predicate is completely false.

20 Q. Mr. Helfand, you do this constantly. You  
21 evade. You obfuscate. You don't want to answer the  
22 question.

23 MR. FISHER: All right. No sidebars.

24 MR. BITGOOD: I'll break it down.

25 THE COURT: We don't need this. We don't



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1 any of this. State your question over again. Let me  
2 make a ruling on it.

3 **MR. BITGOOD:** Okay, sir.

4 **Q. (BY MR. BITGOOD)** You brought the lawsuit not  
5 knowing one way or another if you owned the word  
6 trademark. Correct?

7 **A.** No.

8 **Q.** So what you told him you didn't know, but now  
9 you know for me. Did you own the word trademark?

10 **A.** What you just said is completely inaccurate. I  
11 am a person. He asked me my personal knowledge. The  
12 firm knows information that I may not have.

13 **Q.** But you signed the pleadings, did you not?

14 **A.** Yes, based upon --

15 **Q.** On behalf of the firm.

16 **A.** Based upon information from my client.

17 **Q.** Okay. We had the state court judgment dated  
18 September 13th that says we were Lewis Brisbois. You  
19 were aware of that?

20 **A.** No.

21 **Q.** You didn't know that.

22 **A.** I've never seen a judgment that says you are  
23 Lewis Brisbois.

24 **Q.** You've got an order striking pleadings removing  
25 you from the case and findings of fact that says that we

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1 are Lewis Brisbois, but that's not good enough?

2 A. That's not even true. That's not even  
3 accurate.

4 Q. Okay.

5 A. No judge has found that you have the right to  
6 use the name Lewis Brisbois.

7 MR. BITGOOD: Excuse me a second. Susan,  
8 let me have that one right there on top.

9 THE REPORTER: Exhibit number, please.

10 MR. BITGOOD: Exhibit No. 15.

11 Q. (BY MR. BITGOOD) This is the Finding of Fact  
12 No. 4 from the state court: The only testimonial  
13 evidence put on at the hearing, was sworn testimony from  
14 Plaintiff, Michael Joseph Bitgood as president of Lewis  
15 Brisbois Bisgaard & Smith, a domestic Texas LLP.  
16 Despite the extensive testimony of Mr. Easton, Mr. Oubre  
17 did not cross-examine. Thus the Court credits  
18 Mr. Easton's testimony as credible and conclusive. You  
19 and I might disagree about what credible means in light  
20 of Helfand vs Cohen and you may also disagree with me as  
21 to what conclusive means. But on this last page it  
22 removes you from this case, finds that you're not  
23 licensed, okay, or your firm is not authorized to do  
24 business in Texas for whatever reason.

25 THE COURT: Is this a question then?

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1                   **MR. BITGOOD:** Yes, sir.

2           A. Show me in the order where it says you have the  
3 authority to use that name. It doesn't say it,  
4 Mr. Easton. It doesn't say it. No judge has ever said  
5 anyone other than this law firm has the authority to use  
6 that name.

7           **Q. (BY MR. BITGOOD)** To the contrary, the Rule 12  
8 removed you for lacking authority. Is that not true?

9           A. No, that is not true.

10          **Q. Okay.**

11          A. You don't understand what the Rule 12 order  
12 says.

13          **Q. I don't understand what a Rule 12 order is?**

14          A. You obviously do not understand what that order  
15 said.

16          **Q. Okay. And you claimed that we formed this --**  
17 **you said I told the judge we did it for what purpose**  
18 **again?**

19          A. You thought it would be a good idea for your  
20 mediation services.

21          **Q. Okay. But you didn't bother to read the rest**  
22 **of it, did you?**

23                   **THE COURT:** Okay. We don't need this. Ask  
24 your question. Ask the question.

25          **Q. (BY MR. BITGOOD)** Okay. Have you seen Docket

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1       **69? That's all I'll ask you.**

2           A. In this case?

3           **Q. Yes, sir.**

4           A. At some point I'm sure I saw Docket 69. I have  
5 no idea what it is.

6                   **MR. BITGOOD:** Pass the witness, Your Honor.

7                   **THE COURT:** Can we excuse this witness?

8                   **MR. DUNWOODY:** Yes.

9                   **THE COURT:** Thank you.

10                   **THE REPORTER:** Are there any other matters  
11 for the record?

12                   **THE COURT:** None from the Court.

13                   **MR. FISHER:** We would just like to have an  
14 opportunity to read and sign.

15                   **THE REPORTER:** Thank you.

16                   **THE COURT:** You may be excused, gentlemen.

17                   (The Deposition concluded at 4:55.)  
18  
19  
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## MSJ EXHIBIT 8 - DEFENDANTS' RESPONSE

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1	CORRECTION PAGE.			
2	WITNESS NAME:		WILLIAM SCOTT HELFAND	DATE: 03/13/2024
3	PAGE	LINE	CHANGE	REASON
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## SIGNATURE PAGE

I, WILLIAM SCOTT HELFAND, have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted on the correction page.

\_\_\_\_\_  
WILLIAM SCOTT HELFAND

THE STATE OF TEXAS            )  
COUNTY OF \_\_\_\_\_ )

Before me \_\_\_\_\_ on this day  
personally appeared \_\_\_\_\_ known to me  
[or proved to me on the oath of \_\_\_\_\_ or  
through \_\_\_\_\_ (description of identity  
card or other document)] to be the person whose name is  
subscribed to the foregoing instrument and acknowledged  
to me that he/she executed the same for the purposes and  
consideration therein expressed.

Given under my hand and seal of office this \_\_\_\_\_  
day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR  
THE STATE OF T E X A S

My Commission Expires:  
\_\_\_\_\_

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT COURT OF TEXAS  
HOUSTON DIVISION

LEWIS BRISBOIS BISGAARD & )  
SMITH, LLP, )

Plaintiff, )

VS. )

Case No. 4:22-cv-3279

MICHAEL JOSEPH BITGOOD a/k/a )  
"Michael Easton," et, al )

Defendants. )

VOLUME 1 OF 1  
ORAL DEPOSITION OF  
WILLIAM SCOTT HELFAND  
MARCH 13. 2024

I, MONICA VICTOR, Certified Shorthand Reporter and  
Notary Public in and for the State of Texas, hereby  
certify to the following:

That the witness, SCOTT HELFAND, was duly sworn by  
the officer and that the transcript of the oral  
deposition is a true record of the testimony given by  
the witness;

That the original deposition was delivered to  
Mr. Michael Joseph Bitgood.

That a copy of this certificate was served on all  
parties and/or the witness shown herein on

I further certify that pursuant to FRCP No.  
30(e)(2) that the signature of the deponent:

  X   was requested by the deponent or a party before  
the completion of the deposition and that the signature  
is to be returned within 30 days from date of receipt of  
the transcript. If returned, the attached Correction  
Page contains any changes and the reasons therefor;

           was not requested by the deponent or a party  
before the completion of the deposition.

I further certify that I am neither counsel for,  
related to, nor employed by any of the parties in the  
action in which this proceeding was taken, and further

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1 that I am not financially or otherwise interested in the  
2 outcome of the action.

3 Certified to by me this \_\_\_\_\_ day of \_\_\_\_\_

4 *Monica Victor*  
5 \_\_\_\_\_



6 Monica Victor, CSR No. 3076

7 Expiration: January 17, 2023

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